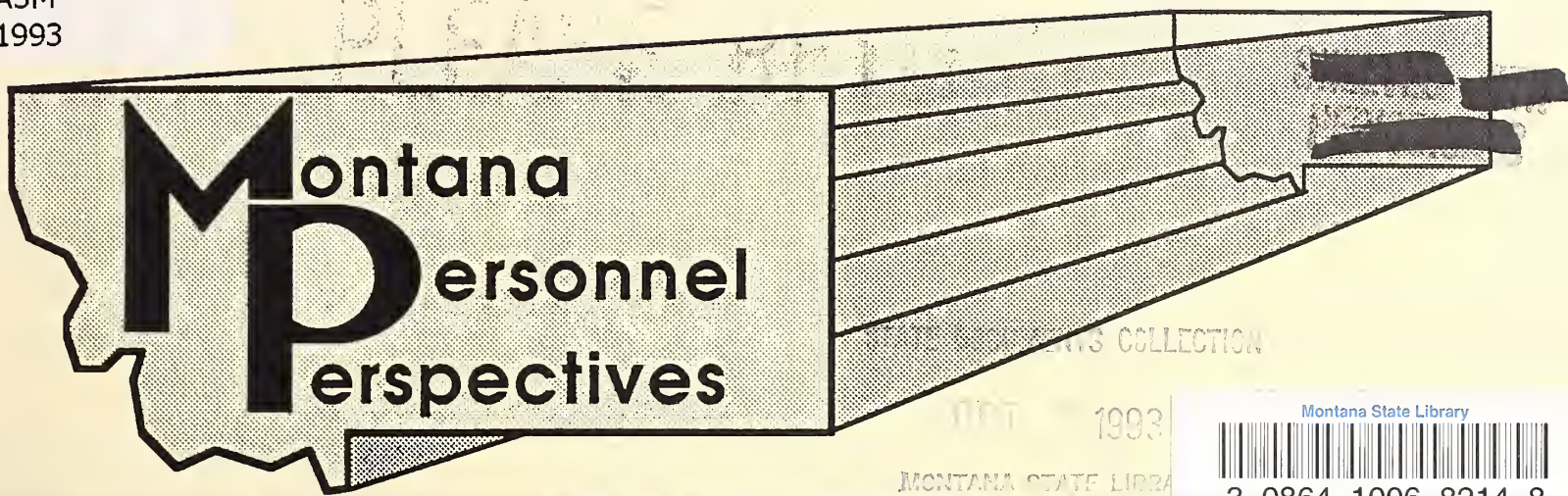




Volume XII, Number 5

January/February 1993

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## STATE EMPLOYEES MAKE A DIFFERENCE THROUGH THE SECC

Contributions from state employees totalled more than \$119,200 during this year's State Employees Combined Campaign (SECC). This amount represents 90 percent of the campaign's goal. The contributions were divided as follows:

|                                             |           |
|---------------------------------------------|-----------|
| Montana Community Shares . . . . .          | \$ 13,492 |
| Combined Health Appeal of Montana . . . . . | 13,731    |
| National United Service Agencies . . . . .  | 1,997     |
| United Way of Lewis and Clark Co. . . . .   | 61,904    |
| United Way of Yellowstone County . . . . .  | 4,351     |
| United Way of Cascade County . . . . .      | 4,634     |
| United Way of Silver Bow County . . . . .   | 988       |
| United Way of Missoula County . . . . .     | 3,584     |
| United Way of Deer Lodge County . . . . .   | 586       |
| United Way of Flathead County . . . . .     | 6,676     |
| United Way of Gallatin County . . . . .     | 1,879     |
| United Way of Hill County . . . . .         | 509       |
| Undesignated . . . . .                      | 4,884     |

Most of the funds will remain in Montana to benefit Montanans. The 12 federations of charitable organizations benefitting from the SECC include: Montana Community Shares,

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Combined Health Appeal of Montana, National United Service Agencies, and the United Way in nine different counties.

Bob Pancich, chair of the campaign's steering committee, stated with pride, "State employees once again showed their commitment to their communities. The high level of contributions is significant, given the 20 percent reduction in charitable giving nationwide. The steering committee is proud of their efforts. The campaign contributions truly are making a difference in the lives of Montanans throughout the state."

A new employee steering committee will soon be formed to plan the 1993 SECC. If you are interested in participating on this committee, assisting with the 1993 SECC or would like additional information about the SECC, call Jim Edgcomb, State Personnel Division, 444-3886.

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## HEALTH SCREENINGS AVAILABLE

State employees and spouses who are members of the State of Montana Employee Group Benefits Plan are invited to participate in a series of health screenings offered this winter. Employees are eligible for one free screening every two years. Employees screened within the last 12 months and spouses who wish to be screened may participate by self-paying the \$19.50 screening cost.

A biennial health screening is designed to help identify and

reduce health risks before they result in serious illness. The screenings are conducted by St. Peter's Community Hospital and take approximately 15 minutes. They include a complete blood analysis (including a cholesterol and triglycerides assessment), a blood pressure check, a flexibility and strength test, a health risk appraisal and a waist-to-hip body-mass assessment. Screened employees receive a confidential report on their results and may attend a one-hour information session on how to interpret their results and make positive life-style changes. Participants will have an opportunity to ask questions.

Helena area screenings will be conducted in January, February and March. Screenings across the state will be held in March, April and May. Employees will be notified of their specific time, date and location by letter approximately two weeks prior to their screening.

For more information about the health screening program, call Jeanette Schmidt, employee benefits, 444-3947.

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## COURT DECIDES CLASSIFICATION APPEAL

The Montana Supreme Court has clarified the availability of back pay awards in classification appeal cases.



In a December 16, 1992 decision, the court reversed the order of the

Board of Personnel Appeals (BPA) giving more than a year of retroactive pay to Community Corrections Specialist IIs as the result of their classification appeal. They are employed by the Department of Corrections and Human Services.

The employees filed their appeal on April 24, 1987, seeking a review of their Community Correction Specialist II, grade 12, classification. The State Personnel Division found the employees were correctly classified, but concluded a review was needed of their class and related class series. The division and the employees agreed to delay a hearing on the matter until the review was complete.

As a result of the review, the employees' positions were allocated to a new class, Probation and Parole Officer, grade 13, effective July 1, 1988. Following the upgrade of their positions, the employees forwarded their appeal to the Board of Personnel Appeals seeking retroactive pay to 30 days prior to the filing of their original appeal in 1987.

After two hearings, the hearings officer found the employees were correctly classified as Community Corrections Specialist, grade 12, at the time their appeal was filed. However, he awarded back pay based on the conclusion that there was a link between the filing of the appeal and the subsequent class review which resulted in upgraded positions. This decision was upheld by the Board of Personnel Appeals and the District Court.

In reversing the BPA's decision, the Supreme Court concluded the link found by the hearings officer between the filing of the appeal and the class review was not sufficient to provide a basis for retroactive pay.

The court found a determination by the BPA that the employees were improperly classified is a prerequisite to granting a remedy, in this case back pay, to the employees. The court concluded that since the employees were found to be properly classified at the time they brought their appeal, the effect of the award of retroactive pay was tantamount to assigning of a new grade to the class in violation of the statutory bar to appealing the grade assigned to the class.

For more information about this case, call Ron Wilson, classification bureau, 444-3853.

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## CLASSIFICATION UPDATE

A number of new reviews have been published and implemented under the Benchmark Factoring Method of job classification since the last issue:

1. Weights and Measures
2. Engineering
3. Statistics
4. Clerical
5. Environmental
6. Information Systems
7. Financial Aide
8. Purchasing
9. Budget Analyst

A number of other class reviews are in progress and will be published soon:

1. Food Service
2. Laundry
3. Counselors/Social Workers
4. Publicity Specialist, and Technical Writers
5. Training and Development

The next reviews scheduled (subject to change based on agency requests):

1. Museum and Related
2. Fish & Wildlife
3. Information and Public Education
4. Water Resources
5. Resident Care/Cottage Life
6. Attorneys
7. Home Attendant
8. Bank Examiners
9. Tax Examiners and Revenue Agents

The Classification Bureau plans to complete the implementation of BFM for all classified positions by early summer of 1993. A tentative work plan and implementation strategies have been prepared and sent to agency personnel officers for their information.

For more information, call Jim Stiffler, classification bureau, 444-3854.

**HOLIDAYS  
Lincoln's &  
Washington's  
Birthdays  
Monday  
February 15**

## MONTANANS COMMUNICATE THROUGH RELAY SYSTEM

Because the Americans with Disabilities Act (ADA) requires that people with disabilities have equal communication access to government agencies and their services, many state agencies are using a Telecommunications Device for the Deaf (TDD). But did you know that you can communicate by telephone with persons who are deaf, or who cannot speak, even if you don't have access to a TDD?

The Montana Relay Service allows state employees and persons with hearing or speech impairments to communicate with each other. Customers using TDDs can call a relay center. A relay operator will view the message typed into the TDD system and communicate it verbally to the hearing party. The agent will listen to the response, convert it into typewritten form, and relay it back through the TDD system, staying on the line until the call is finished. The service also enables customers who are not impaired to call someone who uses a TDD.

Both TDD and voice users may initiate calls by dialing a toll-free number. TDD users dial 1-800-253-4091, while voice users dial 1-800-253-4093. This 24-hour relay service is provided at no cost to callers. Long distance calls are billed accordingly. All calls are kept confidential.

## RECRUITMENT AND SELECTION REQUIREMENTS UNDER ADA

The Americans With Disabilities Act (ADA) is a nondiscrimination law. It requires employers to provide equal opportunities for people with disabilities which allow them to participate in the process of applying and being considered for a job. Each agency should review its recruitment and selection process to insure it provides equal opportunity for all interested persons. This article will review some important considerations.

### Recruitment Procedures

Before advertising the position, an agency needs to be sure it removes all qualification requirements which might discriminate illegally. The ADA requires that qualification standards or selection criteria that screen out or tend to screen out individuals with disabilities on the basis of a disability must be job-related and consistent with business necessity.

To be job related, a qualification standard, test or criteria must be a legitimate measure or qualification for the specific job it is being used for.

To be a business necessity, the qualification standard, test or criteria must be related to the essential functions of the job.

Further, the ADA requires that even if a qualification standard or selection criteria is job-related and

consistent with business necessity, it may not be used to exclude an individual with a disability if the individual could satisfy the legitimate standard or selection criteria with a reasonable accommodation.



### Selection Procedures

An employer may not make any pre-employment inquiries regarding an individual's disability. Inquiries are prohibited at this stage to assure applicants that they are not screened out because of their disability before their actual ability to do a job is evaluated.

An employer may not make any pre-employment inquiry about a disability, or about the nature or severity of a disability, on application forms, in job interviews, or in background or reference checks.

Prior to making a job offer, an employer may only ask questions about an applicant's ability to perform specific job functions.

Appropriate types of questions to ask might be:

- "Are you able to perform these tasks with or without an accommodation?" or
- "How would you perform the tasks, and with what accommodation(s)?"

An applicant with a known disability may be asked to describe or demonstrate how he or she will perform specific job functions, if this is required of everyone apply-

ing for a job in this job category.

Applicants may also be asked to describe or demonstrate how they would perform specific job functions, even if other applicants are not, if the individual has a known disability that might interfere with or prevent performance of the required job functions.

After an employer makes a conditional job offer, but before the individual starts work, the employer may require a medical examination, or ask health or disability-related questions, providing that all candidates who receive a conditional job offer in the same job category are required to take the same examination and/or respond to the same inquiries.

Questions also may be asked about previous injuries and workers' compensation claims. While a post-offer examination or inquiry need not be job-related or consistent with business necessity, if an individual is not hired because a post-offer medical examination or inquiry reveals a disability, the reason(s) for not hiring must be job-related and consistent with business necessity. Further, the employer must show no reasonable accommodation was available that would enable the individual to perform the essential job functions, or the accommodation would impose an undue hardship.

In the next *Perspectives*, "Accommodation in Testing" will be discussed. For more information about ADA, call Jim Edgcomb, State Personnel Division, at 444-3886.

## NEW BENEFITS RULES DRAFTED

New benefits rules include eligibility requirements for the state share contribution to the Group Insurance Program. The rules were discussed at the December Personnel Network meeting and are being prepared for publication and distribution.

The rules require an employee to be in a pay status for at least 40 hours during each pay period to be eligible for the state share. Allowances can be made for an occasional variance from this number of hours, if justified by the agency and approved by the personnel division.

For more information, contact your agency personnel officer or the employee benefits bureau at 444-3887.

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## NEW LABOR RELATIONS PUBLICATIONS

Two publications of interest to agency managers and personnel officers are now available from the labor relations bureau.

The "Contract Review Checklist" is a general guide for agencies to use in reviewing collective bargaining agreements. It covers most contract provisions, from the preamble to the "zipper" clause.

The bureau also published an index of arbitration awards in state government. The index includes: (1) a topical index, (2) a narrative summary of awards and decisions, and (3) an index by arbitrator.

Both the "Contract Review Checklist" and the arbitration index were distributed to personnel officers in agencies that contain collective bargaining units. Please contact your agency personnel officer or Peggy Barnekoff, labor relations, 444-3873, if you would like a copy.

If you have any questions, or if you would like further information, contact Paula Stoll at 444-3819.



## BENEFITS COUNCIL MEETS

After interviewing two finalists on January 7, the State Employee Group Benefits Advisory Council retained the Segal Company which currently provides benefit consulting and actuarial services for the State Plan. The Englewood Colorado branch of the company will provide services and Dan Imming, the current primary consultant, will continue in that position, with assistance by a co-consultant, Don Heilman.

The council decided to take advantage of an offer by Standard Insurance Co. to experience rate optional life plans—plans B, C, and D. Experience rating means that the state receives credit for favorable experience (claims that

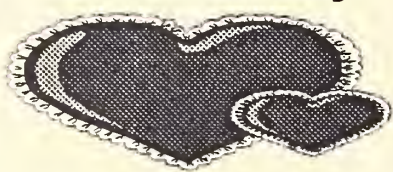
are lower than expected), and is eligible to receive a refund or credit for unneeded premium. Currently, core life plan A is experience rated. Due to favorable experience in 1992, the state received a refund of \$53,147. This refund goes into the insurance trust fund to help cover costs of core benefits.

Since optional plan premiums are primarily paid by member contributions and refunds to members would incur considerable administrative cost, the council decided to place refunds in an interest earning account to help stabilize rates. If claims experience continues to be favorable and the fund builds, premiums for optional coverage can be reduced. If claims increase and premiums have to be increased, the increase in premiums can be delayed or lessened by drawing from the premium stabilization account.

The council reviewed projections based on the executive budget proposal to increase state contribution by \$20 per employee per month in FY94 and another \$20 increase in FY95. These increases are projected to be adequate to fund current benefit levels for FY94 and almost adequate for FY95. Some additional cost containment may be required in FY95. The council will look at projections with various possible interest earnings, since past earnings may not be realistic given current interest rates.

For more information, call Joyce Brown, employee benefits bureau, 444-2553.

HAPPY  
VALENTINE'S DAY



### Ten Things Not To Do When You're Sick

1. Diet. To recover, your body needs the energy it gets from food.
2. Exercise. You will experience fatigue if you continue to work out while you are ill. Take your illness seriously and rest.
3. Smoke or consume alcohol.
4. Wait for the symptoms to disappear.
5. Drive or operate machinery while taking certain drugs.
6. Use an injured body part. Broken bones and pulled muscles need time to heal.
7. Take someone else's medication.
8. Stop taking prescribed medication as soon as you feel better. Complete your prescribed dosage; failure to do so increases the risk of relapse.
9. Visit an elderly person or a new baby. These individuals are vulnerable to infection because of weak or immature immune systems.
10. Make major decisions about lifestyle changes. The physical effects of illness and medications can impair your judgment.

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St. Vincent Hospital and Health Cen-  
ter, Healthful Tips.

### STAFF CHANGES

Mark Cress has been appointed acting administrator of the personnel division. He continues to serve as administrator of the public employees retirement division. His phone number at the personnel division is 444-3871.

Duane Grimes, personnel specialist in the classification bureau, was elected to the state House of Representatives and has taken a leave of absence until the end of the session.

Yvonne Velarde is the temporary receptionist for the personnel division, replacing Darlene Ness. Her number is 444-3871.

### ACKNOWLEDGEMENTS

The State Personnel Division thanks the following people who provided articles and assistance for this issue of *Montana Personnel Perspectives*:

Kathy Bartole  
Kathy Battershell  
Marilyn Benjamin  
Joyce Brown  
Mark Cress  
Jim Edgcomb  
Constance Enzweiler  
Steve Johnson  
Gale Kuglin  
Sheri Parsons  
Jean Ruff  
Kitty Ryan  
Jim Stiffler  
Ron Wilson

If you have comments or would like additional information about *Personnel Perspectives*, call Constance Enzweiler at 444-3794.

### SUIT YOURSELF TRAINING SERIES

The popular "Suit Yourself" training classes offer all state employees an opportunity to attend excellent classes at a reduced rate—\$15 each. The Interdepartmental Coordinating Committee for Women (ICCW) sponsors the half-day classes and they are coordinated through the Professional Development Center.

This year all seven classes will be held in the Auditorium, SRS Building, in Helena.

"Male/Female Communication" was presented in January. The remaining classes are all offered between 8:30 am and noon:

February 4, "Contemporary Writing Skills," John Moore, Presenter

March 4, "Working with Difficult People," Marc Scow, Presenter

April 15, "Nontraditional Opportunities: Women and Men Working to Their Potential," Vicki Koch, Presenter

April 29, "Drawing Strength from Diversity: Naming and Overcoming Barriers to Working Together," Pat Callbeck Harper, Presenter

May 27, "Managing Change," Marc Scow, Presenter

June 24, "On Becoming Assertive," Kathleen Bartole, Presenter

For more information about the classes or to register, call the professional development center at 444-3985.

## PROFESSIONAL DEVELOPMENT CENTER



### FEBRUARY AND MARCH CLASSES

#### THE "RELATING" PART OF PUBLIC RELATIONS

Most of us deal with the public on a day-to-day basis. Even government employees are in a service industry and face the public every day. The "public"

includes other employees, other agencies, clients, customers, and taxpayers. This half-day course will provide public-contact employees with the skills needed to take efficient, timely action to meet the public's needs. The course will be held in the Sheraton, in Great Falls, February 2, from 1:30 p.m. to 4:30 p.m. Cost is \$45.

#### DOCUMENTING DISCIPLINARY ACTION

"If it isn't written down, it didn't happen." That is one of the basic principles of documenting disciplinary actions and most

supervisors and managers know that. There are many other logical and legal steps that must be followed during disciplinary actions and this half-day seminar provides the answers. The seminar will be conducted in the Lee Metcalf Building in Helena, February 3 from 8:30 a.m. to noon. Cost is \$45.

#### WELLNESS SERIES

The Professional Development Center and the state Healthbeat Program are co-sponsoring 13 half-day Wellness seminars. The cost for state employees is \$10 for each seminar. Topics include:

**Victory Over Inactivity**  
Great Falls, February 2;

**Being a Wise Health Care Consumer**  
Helena, February 4 and  
Billings, May 18;

**Healthy Balance**  
Great Falls, March 2,  
Billings, April 13, and  
Helena, June 2;

**Nutrition for the Health of It**  
Helena, March 25; and

**Reducing Your Cancer Risk**  
Helena, May 13.

#### APPROACHING SUPERVISION

Promotions to supervisory positions generally come on the heels of technical proficiency in

the work of the unit. But supervision entails an entirely different set of skills, a new type of job. This seminar identifies the overall role and scope of supervision and the skills, abilities, and personal principles needed to perform the job well. It will be held from 8:30 a.m. to 4:30 p.m. in the Lee Metcalf Building, Helena, on February 10 and the City Center Motel, Bozeman, on March 3. Cost is \$60.

#### TAKE YOUR WORD FOR IT

The number one problem at work, at home, maybe in the whole world is ineffective communication. Confidence and skill in relaying your messages and being an effective listener are the keys to communication. In this workshop, you will learn that effective communication is not just what words you say, but how you say them, and how well you really listen to what others are saying to you. The workshop will be offered February 17 in Helena, at the Lee Metcalf Building, from 8:30 a.m. to noon, at a cost of \$45.

#### PERFORMANCE STANDARDS AND APPRAISAL

This day-long seminar is aimed at helping supervisors develop performance standards to more

effectively evaluate employees, and learn the tried and tested methods for conducting performance appraisal. The seminar will be presented from 8:30 a.m. to 4:30 p.m., **February 18** in the Lee Metcalf Building, **Helena**. Cost is \$60.

### **MANAGING SERVICE CONTRACTS**

This seminar is intended for anyone with actual or potential responsibility for developing and monitoring service contracts with private business. The seminar will be held **February 24**, in the Lee Metcalf Building, **Helena**, from 8:30 a.m. to 4:30 p.m. Cost is \$60.

### **REQUESTS FOR PROPOSALS: The Process and Pitfalls**

This seminar is intended for anyone with actual or potential responsibility for developing, soliciting, and evaluating Request for Proposals (RFP). Instructors will identify when to use the RFP process, how to establish proposal requirements, criteria, evaluation committees, proposal conferences, negotiations, and proposal awards and monitoring. The seminar will be held **February 25**, in the Lee Metcalf Building in **Helena**, from 8:30 a.m. to 2:30 p.m. Cost is \$45.

### **WORKING WITH DIFFICULT PEOPLE**

You can't handpick the people you must work with. Very often, you come across someone who seems—to you, at least—difficult to deal with. This half-day workshop focuses on several types of difficult people and provides tips on recognizing and coping with them. It also emphasizes the communication skills necessary to cope with all sorts of people and situations. This workshop will be held at the Sheraton, **Great Falls**, **March 2**, from 1:30 to 4:30 p.m. Cost is \$45.

### **TEAM BUILDING**

How employees interact ultimately affects the successful operation of every organization. Creating an effective team requires certain management skills. This one-day seminar about team building will include communication skills, developing team commitment, and team leadership. It will be held in the Lee Metcalf Building in **Helena** on **March 9**, from 8:30 a.m. to 4:30 p.m. This seminar is intended for managers and supervisors who work with teams of employees, teams of equal partnerships, or with teams that are individually managed or supervised. Cost is \$60.

### **GIVING AND GETTING JOB REFERENCES**

The best predictor of success on the job is past performance. While job references may be the most logical source of such information, they are getting harder and harder to get. Any employer has legitimate worries about providing references. Lawsuits alleging defamation, interference with economic opportunity, and other damaging actions have silenced many managers. This half-day seminar will explore the ins and outs of references—giving and getting them. Participants will learn about the legal environment and gain an understanding of safe reference practices. This seminar will be held in **Missoula** at the **Orange Street Inn** on **March 10**, from 1:00 p.m. to 4:30 p.m. Cost is \$45.

### **PROTECTING PATIENT AND EMPLOYEE PRIVACY**

Medical personnel face special demands for protecting the privacy of patients. And medical managers face the same demands as all other employers to protect the privacy of employees. This five-hour seminar focuses on the issues of patient and employee privacy. The course features case studies and other methods to facilitate a lively discussion. This seminar will be held in **Missoula**,

at the Orange Street Inn on **March 11**, from 9:00 a.m. to 3:00 p.m. Cost is \$50.

### WRITING POSITION DESCRIPTIONS

This seminar will be presented by the Classification Bureau, State Personnel Division. Writing position descriptions is one of the most important jobs a manager can perform. This seminar will address principles to follow when writing position descriptions. It will be conducted in the Lee Metcalf Building in **Helena** on **March 17**, from 8:30 a.m. to noon. Cost is \$45.

### EFFECTIVE PRESENTATIONS

Anyone who wishes to improve his or her communication and presentation skills with groups of all sizes will benefit from this 14-hour workshop. The course takes the participant through various steps of developing and enhancing a presentation. Each participant is videotaped twice while making actual presentations. The course will be held in the Lee Metcalf Building in **Helena**, from 1 to 4:30 p.m. on **March 17**; 8:30 a.m. to 4:30 p.m., **March 18**; and from 8:30 a.m. to noon, **March 19**. Cost is \$60.

### PRE-RETIREMENT PLANNING

Under the joint sponsorship of the Public Employee's Retirement Division and the Professional Development Center, a **Pre-Retirement Planning Seminar** will be conducted in **Havre** on **March 24-25**. This two-day seminar, intended for anyone within five years of retirement, looks at the physical, mental and financial aspects of retirement. The seminar begins each day at 9 a.m. and ends about 4:30 p.m. It will be held in the Havre/Hill County Library. Cost is \$55 for those covered under the Public Employee's Retirement System and \$90 for all others. Spouses are urged to attend with the employee and there is no charge for them.

### PROBLEM = OPPORTUNITIES: MANAGERIAL

### DECISION-MAKING

Solving difficult problems and making complex decisions that affect policy, programs, personnel, and budgets are the stock-in-trade of the effective manager. This course gives participants skills, strategies, and techniques to define the problem, generate solutions, narrow the options, and determine the solution. It will be held in the Lee Metcalf Building, **Helena**, from 8:30 a.m. to 4:30 p.m. on **March 30**. Cost is \$60.

### OTHER PDC CLASSES:

✧ **New Employee Orientation.** **February 25**, 8:30 a.m. to noon, Lee Metcalf Building, **Helena**. Cost is \$15.

✧ **Managing Stress II: The Sequel.** **February 11**, Lee Metcalf Building, **Helena**, 8:30 a.m. to noon. Cost is \$10 for state employees, \$45 for the general public.

✧ **Managing Conflict.** **February 23**, 8:30 a.m. to 4:30 p.m. Lee Metcalf Building, **Helena**. Cost is \$60.

✧ **Telephone Presence.** **March 9**, 8:30 a.m. to noon. Lee Metcalf Building, **Helena**. Cost is \$45.

✧ **Managing Your Time.** **March 31**, 8:30 a.m. to noon. Lee Metcalf Building, **Helena**. Cost is \$45.

The Professional Development Center makes reasonable accommodations for any known disability that may interfere with a person's ability to participate in training. Persons needing an accommodation must notify PDC no later than two weeks before the date of training to allow adequate time to make arrangements. To request accommodations for a disability, call 444-3985 or write: PDC, Rm 130 Mitchell Building, **Helena, MT 59624**.

Anyone desiring further information about these or other seminars offered under the auspices of the Professional Development Center is urged to contact their personnel representative or call the PDC at 444-3985, or 444-3774. You may also register by calling 444-3985.

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State Personnel Division  
Department of Administration  
Room 130, Mitchell Building  
Helena, Montana 59620

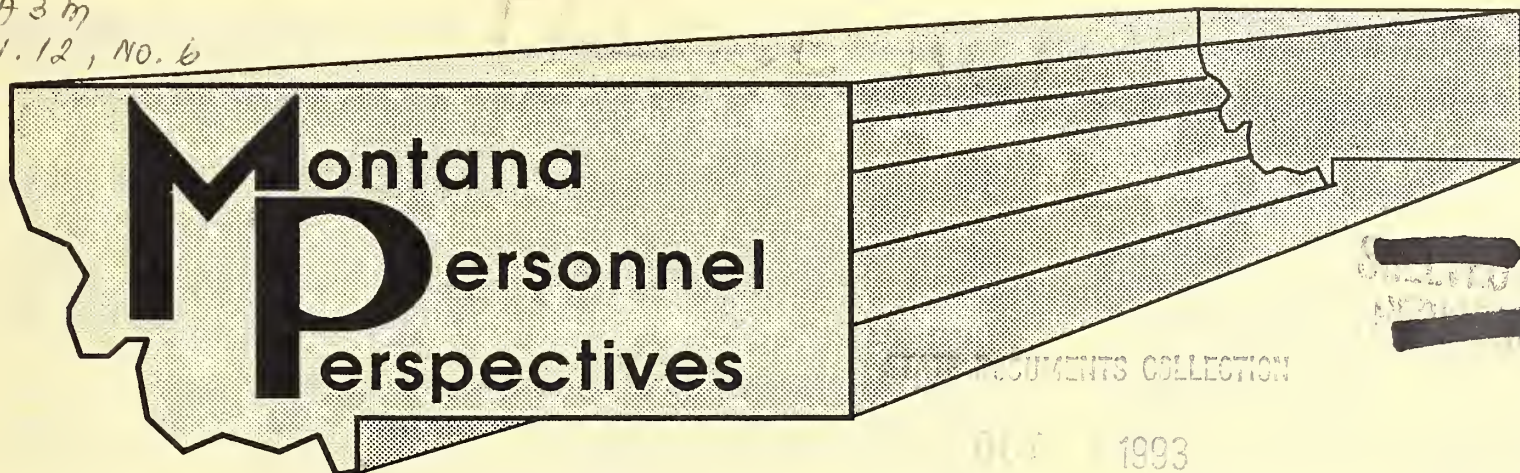
Phone: (406) 444-3871

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Helena, Montana 59620



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Volume XII, Number 6

MARCH/APRIL 1993

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## FAMILY LEAVE ACT EFFECTIVE AUGUST 5



**P**resident Clinton signed the Family and Medical Leave Act of 1993 (FMLA) in February with an effective date of August 5. Passage of the act will result in some changes to the state's leave rules and the insurance program. A task force will be set up to analyze these issues in light of current state laws and rules.

Under FMLA, unpaid leave is provided up to 12 work weeks in a 12-month period for the following conditions:

- 1) birth of a son or daughter and to care for the child;
- 2) placement of child for adoption or foster care;
- 3) care of spouse, son, daughter or parent with a serious health condition; and
- 4) an employee's serious health condition.

"A serious health condition" is defined as an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility, or continuing treatment by a health care provider.

An employer must provide continued health insurance coverage during leave under FMLA in the same manner that it would have been provided had the employee not taken any leave. Other provisions in the act cover notification of intent to take leave, requests for medical certification, reinstatement rights and limitations, leave taken on an intermittent or reduced schedule and leave requests.

Personnel officers received a copy of the FMLA provisions that apply to the state as an employer and a summary of the act prepared by the state personnel division.

For additional information, call Liz Hayden, employee relations bureau, 444-3789, mornings.

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## STATE EMPLOYEES WILL BE HONORED IN SEPTEMBER

State Employee Recognition Day will take place in September this year, Department of Administration Director Lois Menzies has announced. This event is held annually to recognize and celebrate achievements by individuals and groups of state employees.

Department directors and personnel officers will receive information in June about the annual "Governor's Award for Excellence in Performance" program which is tentatively scheduled to occur on State Employee Recognition Day. This is the fourth year the Governor will present the "Excellence in Performance" award to selected state employees. The award recognizes outstanding efforts and achievement by employees in state government. The publicity surrounding the award provides the public with an awareness about the diversity and high quality of service provided by state employees to the people of Montana.

State agencies select award recipients for the "Governor's Award for Excellence in Performance" from among the ranks of their employees. In the past, employees have been recognized for exemplary leadership, improving productivity or cost saving efforts, exceptional managerial or organizational achievements, enhancing the public image of government workers and efforts as a "team player."

Most agencies have established procedures for identifying and recognizing employees. To find out who to contact for information about employee recognition efforts in your agency, or for more information about the "Governor's Award for Excellence in Performance," call Liz Hayden, program coordinator, employee relations bureau, at 444-3789, mornings.

## PUBLICATION SUMMARIZES PRIVACY AND RIGHT TO KNOW

"Privacy and the Right to Know: Montana Cases and Considerations," a comprehensive summary of cases involving the right of privacy and the right to know in Montana, has been updated by Professional Development Center Director John Moore.

The 44-page booklet provides a roundup of 44 Montana Supreme Court decisions and 30 Attorney General opinions. Some decisions preceded the adoption of the 1972 state constitution, but most of the cases and all of the opinions came after 1972. The cases focus on the constitutional right of privacy and right to know, as well as the laws concerning public records and open meetings.

The booklet is available by calling Marilyn Benjamin at 444-3985 for \$5, which covers printing and mailing.

## PERSONNEL BILLS TRACKED

State personnel division has been tracking the following bills during the legislative session:

### House Bills

- **HB 75** Provide for review of Mandated benefits by Insurance Commissioner (Tabled)
- **HB 153** Moving Central Payroll to State Personnel (Passed)
- **HB 159** Revising the Definition of a Veteran (Signed)
- **HB 198** State Employee Pay (Petersen)
- **HB 289** Agency Heads to Manage Vacation Leave (Passed)
- **HB 428** Extend Assessment on Group Health for Plans State-wide Genetics Program
- **HB 496** Revise Human Rights Laws: Replace Handicap and Handicapped Person with Disability & Disabled
- **HB 517** Providing a Retirement Incentive Window
- **HB 522** Providing Protection for State Employees Because of Privatization, Reorganization, Reduction in Force
- **HB 583** Incentives to Reduce General Funds Spent (Tabled)
- **HB 586** Free Military Service (Tabled)
- **HB 605** Pay Bill (Cocchiarella)
- **HB 634** Gov. to Choose Agencies for Pilot Project to Experiment with New Management Structures (Passed)
- **HB 650** Justice Investigators to Join Sheriffs' Retirement Plan

### Senate Bills

- **SB 19** Revises Exceptions to Wrongful Discharge (Tabled)
- **SB 43** Extend Health Care Lien Law (Signed)
- **SB 66** Clarifies Offenses in Legis. Auditor's Reports To AG (Signed)
- **SB 71** Eliminating Unnecessary Positions
- **SB 100** Allow Directors to Designate Smoking Areas
- **SB 160** Use of Lawful Product During Non-Work Hours (Passed)
- **SB 163** Creating Montana Safety Culture Act (Passed)
- **SB 173** Family Law Orders (Passed)
- **SB 213** Requiring Designated Smoking Area (Tabled)
- **SB 222** Replacing Columbus Day Holiday with American Indian Heritage Day
- **SB 250** Conforming the Open Meeting Law (Passed)
- **SB 285** Health Care Authority
- **SB 377** Requiring Rest Periods (Tabled)
- **SB 331** Clarify Preferred Provider Agreements (Passed)
- **SB 385** Recodification of Retirement Statutes (Passed)

For current information about these bills, you can call the legislative information office at 444-4853 or 1-800-237-5079.

## ACCOMMODATION IN TESTING UNDER ADA

The Americans with Disabilities Act (ADA) requires employers to follow certain guidelines when testing job applicants. While employers may use any kind of test to determine the qualifications of an applicant, ADA has two major requirements in relation to conducting a test.

First, if a test screens out or tends to screen out an individual with a disability or a class of individuals on the basis of disability, the test must be job-related and consistent with business necessity. This requirement applies to all types of tests, including, but not limited to:

- aptitude tests,
- tests of knowledge and skill,
- intelligence tests,
- agility tests, and
- job demonstrations.

A test will most likely be an accurate predictor of the job performance when it most directly or closely measures the actual skills and abilities needed to do a job.

Second, ADA requires that tests be given to people who have impaired sensory, speaking or manual skills in a format and manner that does not require use of the impaired skill, unless the test is designed to measure that skill. (Sensory skills include the abilities to hear, see and to process information.) This requirement assures that tests accurately reflect a person's job skills, aptitudes, or whatever else the test is supposed to measure, rather than the person's impaired skills. It protects people with disabilities from being excluded from jobs they actually can do because their disability prevents them from taking a test or negatively influences a test result. However, an employer does not have to provide

an alternative test format for a person with an impaired skill if the purpose of the test is to measure that skill.

Generally, it is the responsibility of the individual with a disability to request any required accommodation for a test. Applicants should be notified, in advance, of any tests that will be administered. The employer may require that documentation of the need for an accommodation accompany such a request. And while the employer is not required to provide the specific accommodation requested, the employer is obligated to provide an effective accommodation.

The following are some examples of alternative test formats and accommodations:

- 1) Substituting a written test for an oral test (or written instructions for oral instructions) for people with impaired speaking or hearing skills;
- 2) Providing the opportunity to take a written test orally if the disability seriously impairs the individual's ability to read.
- 3) Administering a test in large print, in Braille, by a reader, or on a computer for people with visual or other reading disabilities.
- 4) Allowing people with visual or learning disabilities or who have limited use of their hands to record test answers by tape recorder, dictation or computer.
- 5) Providing extra time to complete a test for people with certain learning disabilities,

impaired writing skills, or impaired sight.

- 6) Simplifying test language for people who have limited language skills because of a disability.
- 7) Scheduling rest breaks for people with mental and other disabilities who require such relief.
- 8) Assuring that a test site is accessible to a person with a mobility disability.
- 9) Allowing a person with a mental disability who cannot perform well if there are distractions to take a test in a separate room, if a group test setting is not relevant to the job itself.
- 10) Where it is not possible to test an individual with a disability in an alternative format, an employer may be required, as a reasonable accommodation, to evaluate the skill or ability being tested through some other means, such as an interview, education, work experience, licenses or certification, or a job demonstration for a trial period.

Remember, an employer is not required to provide an alternative test format for an applicant with a disability if the purpose of the test is to measure specific skills. The ability to read, speak, process information or to accomplish an action in a certain amount of time may be job related and necessary to perform the essential duties of the job. In these instances it might be appropriate for applicants to be tested on specific skills.

In the next *Perspectives*, "Determining a Direct Threat" will be discussed. For more information about ADA, call Jim Edgcomb, employee relations bureau, at 444-3886.

**“ADA has two major requirements in relation to conducting a test”**

## SPECIAL OCCASION EATING: How to Party and Not Gain Weight

If you feel you're in a social whirlwind and find your best "nutritional" intentions shattered by party after party, you are a typical American. We average two to three "special occasions" per week. Many Americans gain 5-7 pounds every year over the holidays. But, take heart, these fun activities don't have to mean a weight disaster.

### An Attitude Change

One of the reasons you gain weight at these occasions is lack of moderation. Now that does not mean you should display restrained eating habits all of the time and leave parties feeling deprived and hungry. It means you should develop healthy eating habits throughout the year so the need to go wild at the special occasions will not be there. If you only allow yourself to eat cake at a party, for example, you'll probably help yourself to cake at every party—even when you really don't want it. But, if you give yourself permission to eat cake when you want it—throughout the year—you won't feel compelled to "indulge" at every party, and you won't feel deprived. When you stop worrying constantly about what you should and shouldn't eat, you'll free surprisingly free!

If you see parties and holidays as wonderful social events that incidentally offer you food, you will not overeat. You need to get the focus off the food and on to the fun!

### Party Tips

Because you feel that many of the parties offer foods less nutritious than you prefer to eat, here are some tips:

- Take along a food you love and can nibble—veggies and low fat dip, popcorn, low fat yogurt and fruit.
- Avoid thinking about the food before the party, during the party and even after, so you don't make yourself hungry.
- Fill up on the healthiest foods and savor a smaller portion of the less healthier ones.
- Don't stand by the food. Focus on conversation.
- Sip a low calorie drink and fill up with salad or veggies to take the edge off your hunger.
- Be aware that alcohol increases your appetite and lowers your inhibitions. This could make you care less about making wiser food choices.
- Plan to exercise.

### Parting Tips

You are in control of your lifestyle and you can choose whether these special eating activities are to be your downfall. You will find with a little planning and a desire to focus on the fun and not the food, you can sail through these adventures unscathed. You are worth it!

Printed with permission from St. Vincent Hospital and Health Center, Healthful Tips.

## GRANT SOUGHT BY LABOR RELATIONS BUREAU

The Federal Mediation and Conciliation Service (FMCS) recently announced that it will make \$749,888 available in grant funds for joint labor-management committees and cooperative programs in fiscal year 1993.

Since 1981, FMCS has administered funding appropriated under the Labor-Management Cooperation Program. Approximately 100 public and private sector committees have received grants. The agency has set a June 5 deadline for grant applications.

The labor relations bureau will work with interested labor unions to apply for funding from FMCS. The bureau has invited four labor organizations that represent about 93% of organized state employees to explore joint-labor management cooperative programs and alternative bargaining approaches.

Several labor organizations have expressed an interest in pursuing both alternative bargaining approaches and federal assistance. The labor relations bureau eventually hopes to involve all 18 state employee unions in an effort to improve labor-management relations in Montana state government.

If you would like more information, call Steve Johnson, 444-3892.

### FLSA ASSISTANCE

The current address and telephone number for the area office of the U.S. Department of Labor are:

U.S. Department of Labor  
Clift Building, Suite 307  
10 W. Broadway  
Salt Lake City, UT 84101

TELEPHONE: (801) 524-5706

## UPCOMING STATE HOLIDAYS

### Holiday

### Observed

Memorial Day

Monday, May 31

Independence Day

Monday, July 5

Labor Day

Monday, September 6



## CLASSIFICATION UPDATE

The classification bureau plans to complete the implementation of the Benchmark Factoring Method (BFM) for all classified positions by early summer of 1993. New reviews recently published and implemented are:

1. Food Service
2. Laundry
3. Training and Development
4. Administrative Support-a,  
Grade 8 Benchmark added
5. Hearings Officers and related
6. Counselors
7. Groundskeepers
8. Equipment Mechanics

Several reviews are near completion, with implementation pending for agency review, comment and possible revisions:

1. Health Care and related
2. Corrections
3. Social Workers
4. Investigators
5. Information and Public  
Education
6. Highway and Construction  
related

The next reviews scheduled (subject to change based on agency requests) are:

1. Museum and Related
2. Resource Management
3. Laboratory and related
4. Education Program  
Representatives
5. Custodial
6. Attorney (currently on hold)
7. Health and Human Services  
Programs
8. Bank Examiners
9. Tax Examiners and Revenue  
Agents

Staff of the standards and methods section, classification bureau, are available to meet with agency personnel staff, managers, employee organizations and employees to explain the Benchmark Factoring Method of position classification. Call Jim Stiffler, 444-3854, to schedule a meeting or training session.



## TWO NEW GUIDES DISTRIBUTED



The "Reasonable Accommodation Guide" was revised to include new information that complies with the Americans with Disabilities Act (ADA). A new section has been added to help managers document a request for an accommodation and the process of evaluating the request.

For more information about providing an accommodation, contact your agency's personnel officer, or call Jim Edgcomb, employee relations bureau, 444-3886.

A new guide, "Sick Leave: An Interpretive Guide for Supervisors and Employees," provides an overview of state government policies and practices and offers suggestions that will help manage the impact that absences have in the workplace. For more information, please call Liz Hayden, 444-3789, mornings.

Both guides were recently distributed to personnel officers. The information in the guides is intended for both supervisors and employees. It may be copied in part or inclusively for distribution in your agency.

*Happy  
Easter*



## ACKNOWLEDGEMENTS

**The State Personnel Division thanks the following people who provided articles and assistance for this issue of Montana Personnel Perspectives:**

**KATHY BARTOLE  
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LIZ HAYDEN  
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GALE KUGLIN  
JOHN MOORE  
SHERI PARSONS  
JEAN RUFF  
JIM STIFFLER**

**If you have comments or would like additional information about Personnel Perspectives, call Constance Enzweiler at 444-3794.**

## SUIT YOURSELF TRAINING SERIES

The popular "Suit Yourself" training classes offer all state employees an opportunity to attend excellent classes at a reduced rate—\$15 each. The Interdepartmental Coordinating Committee for Women (ICCW) sponsors the half-day classes and they are coordinated through the Professional Development Center.

This year all the classes will be held in the Auditorium, SRS Building, in Helena, between 8:30 am and noon:

April 15, "Nontraditional Opportunities: Women and Men Working to Their Potential," Vicki Koch, Presenter

April 29, "Drawing Strength from Diversity: Naming and Overcoming Barriers to Working Together," Pat Callbeck Harper, Presenter

May 27, "Managing Change," Marc Scow, Presenter

June 24, "On Becoming Assertive," Kathleen Bartole, Presenter

For more information about the classes or to register, call the professional development center at 444-3985.

## PROFESSIONAL DEVELOPMENT CENTER



### APRIL & MAY CLASSES

#### ACHIEVING SECRETARIAL EXCELLENCE

This half-day seminar is designed for secretaries, administrative assistants, and their supervisors who wish to improve their productivity and professionalism and improve the professional image of their organization. Skills such as communicating, organizing, and decision making will be discussed. It will be conducted in the Lee Metcalf Building, Helena, on April 6 from 8:30 a.m. to noon. Cost is \$45.

#### WORKING WITH DIFFICULT PEOPLE

You can't handpick the people you must work with. Very often, you come across someone who seems—to you, at least—difficult to deal with. This half-day workshop focuses on several types of difficult people, as well as providing tips on recognizing and coping with them. It also emphasizes the communication skills necessary to cope with all sorts of people and situations. It will be held in the Holiday Inn, Billings, April 13, from 1:30 p.m. to 4:30 p.m. Cost is \$45.

#### APPROACHING SUPERVISION

Promotions to supervisory positions generally come on the heels of technical proficiency in the work of the unit. But supervision entails an entirely different set of skills, a new type of job. This seminar identifies the overall role

and scope of supervision and the skills, abilities, and personal principles needed to perform the job well. It will be held from 8:30 a.m. to 4:30 p.m. at the Lee Metcalf Building, Helena, April 15. Cost is \$60.

#### CHARTING YOUR FINANCES

Too many middle-income people (approaching middle age) think that financial planning applies only to lottery winners. The truth is, nearly everybody can make better use of their money through sound investments. This half-day seminar will help you make sensible, informed decisions about your finances—present and future. The seminar will focus on two areas of planning: 1) investment instruments such as securities, bonds, and stocks, and 2) insurance plans. The course is designed to provide you with information on your financial options; you will receive no sales pitch. The seminar will be held from 1:00 p.m. to 4:30 p.m., Homestead Quality Inn, Billings, April 16. Cost is \$20.

#### INTRODUCTION TO TOTAL QUALITY MANAGEMENT (TQM)



Total quality programs hold great promise for the future. The key to their success is understanding the three basic principles that underlie total quality: Customer Focus, Continual Improvement, Total Employee Involvement. This half-day workshop will discuss these basic principles and explore various TQM philosophies. It will also explore ways that TQM might enhance your work unit's mission and objectives. It will be held in the Lee Metcalf Building, Helena, April 20, from 8:30 a.m. to noon. Cost is \$45.

#### ALL KIDDING ASIDE: PRE- VENTING HARASSMENT

Harassment takes many forms, both blatant and subtle. A person's sex, race, national origin, age, religion, or political view may be the target of harassment. It is important that all employees understand what harassment is and how to prevent it. It will be held

in the Sheraton, Great Falls, April 20, from 1:00 p.m. to 4:30 p.m. and in Billings at the Sheraton, May 4 from 1:00 p.m. to 4:30 p.m. Cost is \$45.

#### PRE-RETIREMENT PLANNING

Under the joint sponsorship of the Public Employee's Retirement Division and the Professional Development Center, a Pre-Retirement Planning Seminar will be conducted in Great Falls, April 21-22. This two-day seminar, intended for anyone within five years of retirement, looks at the physical, mental and financial aspects of retirement. The seminar begins each day at 9 a.m. and ends about 4:30 p.m. It will be held in the Rainbow Hotel. Cost is \$55 for those covered under the Public Employee's Retirement System and \$90 for all others. Spouses are urged to attend with the employee and there is no charge for them.

#### SELECTION: SCREENING AND INTERVIEWING SKILLS

This full day seminar will provide managers, supervisors, and personnel officers with a planning model and the skills necessary for selecting the best person for a job. Topics include Equal Employment Opportunity requirements, identifying selection procedures, developing interview questions, interviewing procedures and techniques, screening applicants, checking references, selecting the finalists, documenting your selection process. It will be held in the Lee Metcalf Building, Helena, April 27, from 8:30 a.m. to 4:30 p.m. Cost is \$60.

#### WELLNESS SERIES

The Professional Development Center and the state Healthbeat Program are cosponsoring Wellness seminars for a low price of \$10 per state employee. Topics include:

- **Healthy Balance, Billings, April 13 and Helena, June 2**
- **Reducing Your Cancer Risk, Helena, May 13**
- **Being a Wise Health Care Consumer, Billings, May 18**

## MANAGING STRESS II: THE SEQUEL

The Professional Development Center and the state Healthbeat Program are cosponsoring a series of stress seminars across the state for a low price of \$10 per state employee. Seminars are held between 8:30 a.m. and noon. Cities and dates are:

|          |                     |
|----------|---------------------|
| April 6  | Glendive            |
| April 7  | Miles City          |
| April 8  | Billings and Polson |
| April 21 | Great Falls         |
| May 4    | Lewistown           |

## COPING WITH THE ANGRY PUBLIC

"I don't want a bunch of red tape! I just want this problem solved!" Sound familiar? If you face the public, you often face citizens with complaints. And some of these people are angry—angry enough to say things that make you angry, too. This two-hour workshop focuses on dealing successfully with the angry public by focusing first on what you want to accomplish during this exchange of information. You will enhance communication skills that will help you meet your goals and cope with both the public's anger and your own. It will be held in **Lewistown, May 4** from 1:30 p.m. to 4:30 p.m. Cost is \$30.

## GIVING AND GETTING JOB REFERENCES

The best predictor of success on the job is past performance. While job references may be the most logical source of such information, they are getting harder and harder to get. Any employer has legitimate worries about providing references. Lawsuits alleging defamation, interference with economic opportunity, and other damaging actions have silenced many managers. This half-day seminar will explore the ins and outs of references—both giving and getting them. Participants will learn about the legal environment and gain an understanding of safe reference practices. This seminar will be held in **Billings** at the Sheraton **May 4** from 8:30 a.m. to noon. Cost is \$45.

## CONTEMPORARY WRITING SKILLS

This ever-popular seminar, presented by John Moore, is intended to improve professional skills in composing and revising prose, with an emphasis in punctuation, grammar, style and format in contemporary use. It will be held in the Lee Metcalf Building, **Helena, May 6**, from 1:00 to 4:30 p.m. and continue on **May 7** from 8:30 a.m. to noon. Cost is \$60.

## TECHNICAL WRITING

This seminar will be held from 8:30 a.m. to 4:30 p.m., **May 12**, in **Helena** at the Lee Metcalf Building. It will benefit anyone who is faced with the problem of providing written technical information in a non-technical format. The instructor for this popular seminar is Thomas Livers, bureau chief, Energy Division, DNRC. Cost of this seminar is \$60.

## THE 'RELATING' PART OF PUBLIC RELATIONS

All government employees are in a service industry and face the public every day. The "public" includes other employees, other agencies, clients, and taxpayers. This half-day course will provide public-contact employees with the skills needed to take efficient, timely action. It will be held at the Holiday Inn, **Billings, May 18**, from 1:30 p.m. to 4:30 p.m. Cost is \$45.

## MANAGING CONFLICT

Conflict is inevitable in human relationships. Given this fact, managers and supervisors need skills identifying and resolving conflict. This seminar emphasizes communication skills and defusing confrontations. It will be conducted on **May 18**, 8:30 a.m. to 4:30 p.m., at the Village Red Lion, **Missoula**. Cost is \$60.

## PERFORMANCE STANDARDS AND APPRAISAL

This day-long seminar is aimed at helping supervisors develop performance standards to more effectively evaluate employees, and learn the tried and tested methods for conducting perfor-

mance appraisal. It will be presented in the Holiday Inn, **Billings, May 19**, from 8:30 a.m. to 4:30 p.m. Cost is \$60.

## LAUGHING MATTERS: HUMOR IN THE WORKPLACE



"Life is too serious to be taken seriously," said Oscar Wilde. Humor is vital to good health, both physical and mental, but it's easy to lose sight of that fact. Workers in the U.S. consume 15 tons of aspirin every day. Bureaucratic life seems to put a premium on seriousness, and the result is often stressful. It is possible to be professional without being ponderous. Work can (and should) be fun. This half-day seminar will take a light-hearted look at the lighter side—what humor is, its benefits, and how to make it work at work. It will be conducted in the Lee Metcalf Building, **Helena**, on **May 25** from 8:30 a.m. to noon. Cost is \$45.

The Professional Development Center makes reasonable accommodations for any known disability that may interfere with a person's ability to participate in training. Persons needing an accommodation must notify PDC no later than 2 weeks before the date of training to allow adequate time to make needed arrangements. To make your request known, you can call 444-3985 or write:

Professional  
Development  
Center

Mitchell Building, Room 130  
Helena, MT 59624

Anyone desiring further information on these or other seminars offered under the auspices of the Professional Development Center is urged to contact their personnel representative or call the PDC at 444-3985, or 444-3774. You may also register by calling 444-3985.

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State Personnel Division  
Department of Administration  
Room 130, Mitchell Building  
Helena, Montana 59620

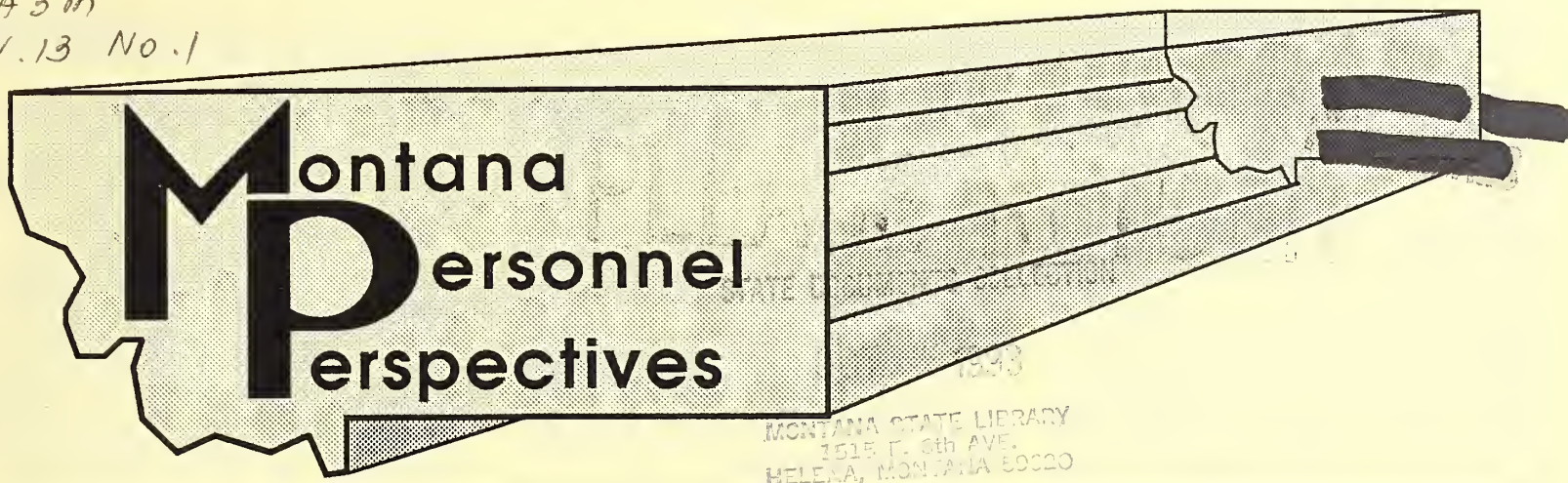
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MAY/JUNE 1993

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## ❖ 6200 PUBLIC EMPLOYEES POTENTIALLY ELIGIBLE FOR RETIREMENT INCENTIVE ❖

An estimated 2200 state employees are potentially eligible for the retirement incentive program created by HB 517 if they terminate during the "window period" which begins on June 25 and ends December 31, 1993. In addition, there are nearly 4000 local government employees who may be eligible if their employers elect to participate.

All state PERS employees should receive a notice informing them that they are either "potentially eligible" or they are "potentially ineligible" for the program. The "window" only applies to employees who are members of PERS. Members of other retirement systems are not covered. (The University system will develop a separate incentive program for terminations during a different window period for university faculty.)

Eligible PERS members who are considering terminating employment during the window should request an application for the incentive from their employers and return it to the PERD as soon as possible, even if the termination may not occur until late in the window period. The Retirement Division has already received requests from 425 PERS members as of May 17 and more are being received every day. The earlier employees apply, the less likely their benefits will be delayed.

The incentive program does not change eligibility or benefits already available under the PERS; rather, it provides that the employer pay the cost of "1-for-5" additional service the employee is already eligible to purchase. The employer will pay for up to three years of additional service if the employee terminates employment during the window period.



ROUTE TO:

|       |       |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

RETURN TO: \_\_\_\_\_

If an employee has already purchased 1-for-5 additional service, they may be entitled to a full or partial refund so that up to three years can be purchased by the employer.

The cost of each year of additional service purchased is 13.4% of the employee's final 12 months salary. (Additional service is added to an employee's years of service when calculating a monthly retirement benefit and/or any early retirement reduction factor; additional service does not change a member's "final average salary" or a member's age, nor does it make a member qualify for early retirement with 25 years of service.)

Employees who receive the incentive will forfeit the additional service if they return to work within the same jurisdiction and are compensated for more than 600 hours in any calendar year. This would result in a permanent reduction in retirement benefits. For terminating state employees, this restriction applies to employment (including personal services contracts) in any capac-

ity within state government, including the university system, regardless of retirement system coverage.

While returning to work for a local government will not jeopardize a retired state employee's incentive, their benefit will be reduced \$1 for \$1 for any hours worked in excess of 600 hours in a calendar year.

The \$1-for-\$1 reduction applies to work for any PERS covered employer. The loss of incentive service only applies to work performed within the same jurisdiction.

Employees who received the "potentially ineligible" letter, but who think they have enough service to be eligible, should contact the PERD, in writing, to have their service reviewed. Some employees may be eligible to purchase service retroactively or to qualify previously refunded service that might make them eligible to retire. For assistance or information, please call 444-3154 or write:

Retirement Incentive Program  
Public Employees' Retirement Division  
1712 9th Avenue  
Helena, MT 59620-0131

## LABOR RELATIONS UPDATE

While the collective bargaining schedule was not heavy in the first quarter of 1993, a rash of arbitration requests (about a dozen) were filed in the last six months. Many were resolved before proceeding to formal hearing. As the recent legislative session wound down, however, the labor relations bureau staff geared up for an onslaught of bargaining requests.

Prior to April 30, only a handful of the state's 80 bargaining units had begun to bargain or announced their intention to do so. As of mid-May, just short of 20 units had begun bargaining or scheduled a first meeting. Only two units have settled on a contract to cover the 93-95 biennium.

The bureau had some initial success with a new style of bargaining which is less confrontational and more problem solving in nature. According to one union participant, "I enjoy this. This is definitely better than last year—it feels good not to go home angry." A contract which took seven bargaining sessions to conclude in the last biennium was completed in just two sessions in May. The labor relations bureau extended an invitation to all the state's unions to join the bureau in applying for a federal grant (through the Federal Mediations and Conciliation Service) which is available to support new labor/management cooperative ventures.



For more information, call Ken McElroy, labor relations bureau, 444-3982.

## CHANGES IN STATE PAYROLL

Effective July 1, the state payroll program and the responsibility for the PPP System is transferring to the Department of Administration, State Personnel Division, from the State Auditor. State payroll will become a section within the classification bureau. The current staff within payroll will not change. Donna Warner will continue to be the "person in charge" of payroll.

For the immediate future, the payroll staff will continue to be located on the 2nd Floor of the Mitchell Building, but the mailing address will change to:

CHANGING  
ADDRESSES



State Personnel Division  
State Payroll Section  
Room 130, Mitchell Building  
Helena, MT 59620

The general phone number will change to the number used by state personnel, 444-3871. Individual staff phone numbers will remain unchanged.

## SIGNIFICANT SAVINGS REALIZED FROM MANAGED CARE PROGRAM

This year, the state implemented a full managed care program to help control increasing health care costs. A major new component was an independent third-party review of inpatient hospital stays to determine if they meet medical necessity criteria, and to recommend less costly out-patient alternatives where appropriate. **Managed Care Montana** provides these reviews (according to established medical protocols) for a fixed annual fee. The company can provide an impartial review because it has no economic interest in the review outcomes.



Based on data from the first 6 months, the program is reducing costs even with a low rate of certification denials. **Managed Care Montana** reviewed 895 admissions. Only 11 (1.2%) were denied certification. For these 11 cases, costs of 196 inpatient days were averted resulting in savings of \$133,066. Of these 11 admission requests, 9 were mental/nervous admissions, one was a chemical dependency admission and one was a medical admission.

**Managed Care Montana** also conducted 2,133 continued stay reviews (reviews of the medical necessity of additional

hospital days.) Certification denials were issued in 23 cases (1%) averting costs of 135 inpatient days for a savings of \$86,980.

These documented savings are expected to be only a portion of the total savings to the plan. Most plans with managed care programs report major savings from a decline in the number of proposed admissions. Physicians who might otherwise prescribe inappropriate or questionable admissions don't do so when the admission is being reviewed by a peer physician.

To determine the savings from the "sentinel effect" of managed care reviews, the number of admissions before managed care will be compared with the number of prescribed admissions after managed care. This comparison information will be available at the end of the plan year. The savings are projected to save the plan 5% of the expected cost increases for the entire year. The benefits forecasters expect only a 10% cost increase rather than 15% this year.

For more information on the state's managed care programs, you can call Larry Tobiason, employee benefits bureau, at 444-3849.

### ACKNOWLEDGEMENTS

The State Personnel Division thanks the following people who provided articles and assistance for this issue of Montana Personnel Perspectives:

KATHY BARTOLE  
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GALE KUGLIN  
KEN MCELROY

JEAN RUFF  
KITTY RYAN  
JOYCE WALBORN

If you have comments or would like additional information about Personnel Perspectives, call Constance Enzweiler at 444-3794.

## CLASSIFICATION UPDATE

The Classification Bureau plans to complete the implementation of the Benchmark Factoring Method (BFM) for all classified positions by early summer. New reviews recently published and implemented are:

1. Corrections
2. Cottage Life Attendant
3. Employment Services - a Grade 15 Benchmark added
4. Health Care and related
5. Information and Public Education

Several reviews are in progress:

1. Administrative Officers
2. Auditors, Tax Examiners and Revenue Agents
3. Bank Examiners
4. Compliance
5. Custodial
6. Education Program Representatives
7. Health and Human Services
8. Highway and Construction related
9. Investigators
10. Laboratory and related
11. Planners
12. Resource Management
13. Social Workers

The next reviews scheduled (subject to change based on agency requests) are:

1. Attorney — currently on hold
2. Management Analyst
3. Museum and Related
4. Research

Staff of the standards and methods section, classification bureau, are available to meet with agency personnel staff, managers, employee organizations and employees to explain the Benchmark Factoring Method of position classification. Call Jim Stiffler, 444-3854, to schedule a meeting or training session.

**NEW STATE EMPLOYEE PROTECTION ACT EFFECTIVE NOW**

The **State Employee Protection Act** (House Bill No. 522) provides protection for state employees whose positions are eliminated as a result of privatization, reorganization, agency closure, or a reduction in force. It was effective April 22, 1993.

State employees are eligible for benefits who have achieved permanent status or were employed by the Senate or House of Representatives during the 53rd legislature for a period of at least 8 continuous weeks. Employees in the University System are included only in the "continuation of health insurance and employer contributions" section of the Act.

**General Protection—Job Registration and Seniority Preference**

An employee and the employee's collective bargaining unit, if any, must be notified as soon as possible prior to privatization, reorganization, agency closure, or a reduction in force. When 25 or more employees are affected, the notice must be given at least 60 days prior to the action. When fewer than 25 employees are affected, each employee affected must be notified at least 14 days prior to the action. An employee who is laid off on or after April 22, 1993 is entitled to:

- ☼ Notice of vacant positions that arise within the terminating agency or within state government. Notice is provided for a period of one (1) year from the effective date of lay-off.

- ☼ Access to any job retraining and career development programs provided by the state through the Job Training Partnership Act Service Delivery Areas' Dislocated Worker Programs. To be eligible, the

employee must begin participating in a program within one (1) year after the elimination of the employee's position.

- ☼ Inclusion in a special job register from which all agencies shall attempt to hire employees prior to seeking applications from the general public.

An agency attempting to hire from the job registry shall consider the employee's qualifications and length of state service. If two or more employees listed in the job registry are equally qualified for a vacant position, the agency shall select the employee with the longest continuous state service.

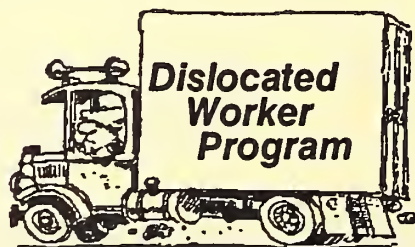
**Salary and Benefits Protection for Transfer Employees**

An employee who is laid off on or after April 22, 1993 and who is subsequently transferred to a different position in a state agency is entitled to:

- ☼ The same hourly salary as previously received if the new position is at the same grade level as the one previously held.

- ☼ Retain all accrued sick leave credits. If not transferred by June 30, 1995, sick leave credits will be cashed out.

- ☼ Retain, cash out, or use accrued vacation leave credits to extend the employee's effective date of lay-off. If not transferred by June 30, 1995, vacation leave credits will be cashed out.



- ☼ Relocation expenses as provided in state policy. An agency should work directly with the Dislocated Worker Programs to determine in advance the appropriate or acceptable relocation expenses for a specific employee and to allow for direct payment by the Dislocated Worker Programs. There may be insufficient funds available to reimburse agencies that do not coordinate with Dislocated Worker Programs.

- ☼ A laid-off employee is entitled to remain covered by the state's Group Health Insurance Plan and to the continuation of the employer's contribution to the employee's group health insurance for 6 months from the effective date of lay-off or until the employee becomes employed in a **comparable job**, whichever occurs first. This provision does not apply to employees of the Senate or House of Representatives. University System employees also are entitled to health insurance coverage under their plan.

**Job Registry, Notice of Vacant Positions and Selection Process**

The Helena Job Service established a job registry that lists employees who have been laid off according to the occupational categories in which the employee is qualified for employment. The Job Registry Program includes:

- ☼ Participation in the Job Registry is voluntary on the part of the employee.

- ☼ A coordinator will maintain placement files on all registry participants. These files will be made available to personnel officers seeking to fill vacant positions. The participants will receive written notification

*Continued on Page 8*

## DETERMINING "DIRECT THREAT" UNDER ADA

**E**mployers may only use selection criteria that screen out or tend to screen out persons with disabilities when the criteria are job-related and consistent with business necessity, under provisions of the Americans With Disabilities Act (ADA).

In addition, ADA allows employers to require that an individual not pose a "direct threat" to the health or safety of the individual or others if this standard is applied to all applicants for a particular job. However, an employer must meet very specific and stringent requirements to establish that such a "direct threat" exists.

### Significant risk of substantial harm.

The employer must be prepared to show there is a significant risk—a high probability of substantial harm—if the person were employed.

The risk of "direct threat" of harm applies to an employee's own safety and health as well as to the health and safety of others, such as co-workers or the public.

### The specific risk must be identified.

If an individual has a disability, the employer must identify the aspect of the disability that would pose a direct threat, considering the following factors:

- ☛ the duration of the risk;
- ☛ the nature and severity of the potential harm;
- ☛ the likelihood that the harm will occur, and
- ☛ the imminence of the potential harm.

If the perceived risk to health or safety arises from the behavior of an individual with a

mental or emotional disability, the employer must identify the specific behavior that would pose the "direct threat."

### The risk must be current, not one that is speculative or remote.

The employer must show there is a current risk—a high probability of substantial harm—to health or safety based on the individual's present ability to perform the essential functions of the job.



A determination that an individual would pose a "direct threat" cannot be based on speculation about future risk. This includes speculation that an individual's disability

may become more severe, the individual may become unable to perform a job in the future, may cause increased health insurance or workers compensation costs, or will have excessive absenteeism.

### The assessment of risk must be based on objective medical or other evidence related to a particular individual.

The determination that an individual applicant or employee with a disability poses a "direct threat" must be based on objective, factual evidence related to that individual's present ability to safely perform the essential functions of the job. It cannot be based on unfounded assumptions, fears, or stereotypes about the nature or effect of a disability or of disability generally.

The determination of risk must be based on a reasonable medical judgment that relies on the most current medical knowledge and the best available objective evidence including:

- ☛ input from the individual with a disability;

- ☛ the experience of this individual in previous jobs, and
- ☛ documentation from medical doctors, psychologists, rehabilitation counselors, physical or occupational therapists, or others who have expertise in the disability involved and/or direct knowledge of the individual with a disability.

Where psychological disabilities suggest a threat to safety, specific facts, such as an employee's violent, aggressive, destructive or threatening behavior, may provide the evidence of risk.

### If there is a significant risk, reasonable accommodation must be considered.

Even if a genuine significant risk of substantial harm exists, the employer must consider whether the risk can be eliminated or reduced below the level of a "direct threat" by providing a reasonable accommodation.

The ADA recognizes employers' obligations to comply with requirements of other laws that establish health and safety standards. If a standard is required by another federal law, an employer must comply with it and does not have to show that the standard is job related and consistent with business necessity. However, ADA does give greater weight to federal than to state or local law.

In the next Perspectives, an article will discuss how "ADA Impacts All Employment Practices." For more information about ADA or for assistance when determining whether an individual poses a "direct threat" under ADA, call Jim Edgcomb, employee relations bureau, at 444-3886.

## PERSONNEL BILLS PASSED BY 53RD LEGISLATURE

### HOUSE BILLS SIGNED BY GOVERNOR:

**13 Benedict** "...revising work comp law and revising state fund's budget funding procedure..."

**159 Pavlovich** "...revising the definition of 'veteran' for the purposes of the veteran's public employment preference to conform with the federal definition so that a veteran includes a person in a reserve component of the armed forces called to active duty for campaigns such as operation desert shield and operation desert storm..."

**198 Peterson** "...establishing compensation plans and benefit levels..."

**258 Toole** "...excluding from the interim earnings deduction in a successful wrongful discharge suit an amount equal to reasonable costs..."

**289 Hibbard** "...requiring public agency heads to actively manage vacation leave for agency employees; providing that a public employee must receive time off to take leave during calendar year if the employee is denied reasonable opportunity to use excess leave..."

**355 Harper** "...requiring posting of prices of 20 top-selling prescription drugs by pharmacies..."

**478 Toole** "...revising handicap parking law..."

**496 Wyatt** "...revising the Montana Human Rights Laws..."

**517 Harper** "...retirement incentive and eligibility window for certain employees under PERS..."

**522 Squires** "...State Employee Protection Act, protecting state employees from privatization or closure of an institution..."

**634 Elliott** "...authorizing the Governor to explore and implement new management styles and organizational structures..."

### SENATE BILLS SIGNED BY GOVERNOR:

**15 Blaylock** "...requiring grievance procedures in school collective bargaining agreements; providing for an election of remedies..."

**39 Keating** "...providing for discontinuing licensed acute hospital care on the Galen campus of the Montana State Hospital..."

**40 Keating** "...providing that the Montana State Hospital at Galen cease to provide intermediate nursing care..."

**43 Doherty** "...extending the Health Care Lien Law..."

**66 Grosfield** "...clarifying the offenses that the legislative auditor may report to the attorney general..."

**71 Towe** "...allowing department heads to eliminate positions within a department; providing a fiscal incentive to the department head to reduce positions within a department..."

**100 Forrester** "...defining the term 'designated smoking area'; restricting all smoking areas to designated smoking areas; changing from mandatory to discretionary the establishment of designated smoking areas; revising responsibility for designating smoking areas and placing signs..."

**160 Rye** "...prohibiting discrimination against an employee for use of a lawful product during nonworking hours; and providing for civil damages..."

**163 Harp** "...creating safety culture act requiring employers establish safety programs..."

**218 Kennedy** "...regulating out-of-state mail service pharmacies..."

**250 Yellowtail** "...conforming the open meeting law by removing the exception for collective bargaining strategy meetings..."

**285 Franklin** "...creating a Montana Health Care Authority..."

**331 Lynch** "...clarifies Preferred Provider Agreements Act..."

### POTENTIAL INTERIM STUDIES:

**SJ0015 Christiaens** "...study alternative methods for enforcing the state human rights laws..."

### DO SOMETHING GOOD FOR YOURSELF!!!

The 1993 U.S. Savings Bond Drive kicks off June 1. Information and sign-up forms were distributed with the May 26 payroll.

Take a few minutes to review and sign up for this painless, (use automatic payroll deduction), safe (guaranteed rate) and competitive (4% or market interest rate) to do something GOOD for your future and your country's future!!!

Agency coordinators are available to answer questions so hurry--don't procrastinate--and sign up today!!!

Sandy Waddell, State Savings Bond Drive Coordinator can be reached at 444-6021 or Kitty Ryan, Department of Administration Coordinator, at 444-3872.



## FEW CHANGES EXPECTED FOR NEXT BENEFIT YEAR

Only minor changes are expected in next year's benefits plan which begins on September 1. There will be no changes in dental or life insurance premiums. The only benefit changes are:

### 1. A NEW LIMIT ON THE ACUPUNCTURE BENEFIT

Acupuncture benefits will be limited to 25 visits per benefit year and at a cost of \$27 per visit. The new limits are similar to the limits placed on chiropractic services.

### 2. REINSTATEMENT OF THE "PREVIOUS COVERAGE" CREDIT TOWARD THE WAITING PERIOD FOR A PRE-EXISTING CONDITION

The state plan has a one-year waiting period on coverage of pre-existing medical conditions of new plan members. Employee plans without a waiting period tend to attract medically needy individuals who will become employees to obtain medical insurance. While it is easy to sympathize with individuals who must take such desperate measures to obtain insurance, their unrestricted entry into a plan can greatly increase its liability and decrease its viability.

In the past, there was a "previous coverage" credit exception to the one year waiting period. Employees who had similar coverage at the time they came to work for the state were given credit for the period of previous coverage for up to a year. An employee who had a year or more of similar previous insurance coverage ending

at the time of state employment would receive a year's worth of credit and have no remaining waiting period. An employee with 6 months of previous coverage would receive 6 months of credit and have a remaining 6 month waiting period. This exception was provided because individuals with comparable coverage when they come to work for the state are not likely to be coming to work for the insurance.

The "previous coverage" credit was discontinued in 1990 when federal COBRA statutes gave incoming employee's the ability to cover a pre-existing condition by continuing on their former employer's plan. The plan decided to reinstate the credit because the costs of paying COBRA premiums to a former employer are prohibitive for many and serve as a barrier to changing jobs. The "previous coverage" credit protects the plan and eliminates this barrier for employees.

### 3. NEW PREFERRED PHARMACY NETWORK

Possibly by January, 1994, the state plan will have a Preferred Pharmacy Network in place to provide pharmacy discounts for employees.

### 4. AN INCREASE OF \$20 IN THE STATE CONTRIBUTION WITH NO INCREASE IN EMPLOYEES' OUT-OF-POCKET PREMIUMS

Due to the anticipated savings from the Managed Care Program and the new Inpatient Psychiatric Preferred Provider Network (going into effect on June 1st) plus the increase in state contribution of \$20 per employee per month for the FY94 fiscal year, no increase in the employees' premiums is necessary.

The additional \$20 is a 10.5% increase raising the State contribution from \$190 to \$210. Health insurance premiums for all coverages (employee only, employee and spouse etc.) will also increase by \$20 so that the portion paid by plan members for dependents is unchanged.

A description of these plan changes will be included in annual change period information being distributed to all employees the week of June 7. This year's annual change period for employees on the Premium Payment Plan (most employees) to make changes without IRS restrictions is June 9 to July 9. Employees will receive personal statements of current benefit elections and have an opportunity to change them.

Employees who missed out on Flexible Spending Account enrollment this year will be able to enroll at that time for next year. An updated flyer on FSAs will be included with annual change period information.

For more information, call Joyce Brown, employee benefits bureau, at 444-2553.



## MAKING TIME FOR FITNESS

### Fitting Fitness into a Too-Busy Schedule

You know that becoming physically fit can enhance the quality—and quantity—of the years ahead. But you can't seem to find enough time to make fitness work for you. Making time for fitness means setting priorities, sneaking extra activity into daily routines, and scheduling fitness time as you would other important events.

### Making Fitness a Priority

Ask an expectant parent about the preferred sex of their baby-to-be. The answer? "It doesn't matter, as long as it's healthy." Health is the most precious quality we can wish on a newcomer to the world, and deciding to stay fit and healthy is our way of protecting that gift.

### Activating Your Daily Routine

Five minutes of movement here and there does add up to a more active lifestyle. To activate your daily routines, try some of these tips:

- ☉ Take the stairs when possible or walk a few flights and then take the elevator.
- ☉ Park your car at the far end of the parking lot.
- ☉ Hand-deliver messages at work rather than picking up the phone.

With a little creativity, you'll find dozens of ways to increase the amount of movement in your daily routines.

### Scheduling Time for Fitness

Many business people have traded the "business lunch" for an exercise session at the gym. It makes sense—almost half of the North American population exercises regularly. Why not mix business with pleasure? Walk on your lunch hour, or instead of a coffee break, try a stretching break. Rather than joining friends for drinks, get together for a game of softball or a vigorous walk. But whatever you do, stick to your scheduled activity.

### There's No Time Like the Present

There's no reason not to do something good for yourself by making fitness one of your daily priorities. By setting aside 20-30 minutes 3 times a week for vigorous activity, and by sneaking extra activity into your daily routines, you can become fitter, happier, and more productive. Why not start right now? What have you got to lose?

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... Continued from Page 4

when they are referred for a vacancy. It is the responsibility of the employee who has been laid off to insure that his or her placement file is accurate and information is up to date.

☉ Employees may remain on the Job Registry through June 30, 1995 or until employment at a grade equal to the position from which the employee was laid off is secured, whichever occurs first. Acceptance of a permanent position at a lower grade or acceptance of a seasonal or a temporary position does not end an employee's right to continue participation in the Job Registry Program.

☉ The Helena Job Service will prepare and distribute to Job Registry participants on a weekly basis a list of vacant state positions that are posted to the general public.

An agency may hire with or without a competitive selection process for participants who are

referred from the Job Registry. An agency also may use its usual selection procedures, such as structured interview, performance test, or reference checks.

**Dislocated Worker Program Services** are provided by Department of Labor and Industry, Research, Safety and Training Division and Job Service Division and AFL-CIO Project Challenge: Work Again through contract with the Montana Job Training Partnership, Inc. Services include:

- ☉ Career planning and vocational assessment.
- ☉ Assistance in creating the participant's placement file for the Job Registry.
- ☉ Relocation expenses if the participant moves to accept another state or other job.
- ☉ Employment-related long distance travel for interviewing.

☉ Resume writing and interviewing assistance.

☉ Other supportive services such as clothing, tools, equipment, licenses, or limited child car for employment or retraining purposes.

☉ Short and long-term retraining for a new job such as technical, college, private schools, entrepreneurial, or on-the-job training.

For more information on the Dislocated Worker Program Services, contact Dene Ewan, Job Service Division at 444-4592 or Jack Zink, AFL-CIO Project Challenge: Work Again at 449-2056. For information on the Job Registry Program, contact Dennis Shea or Jeannie Duncan, Helena Job Service at 449-6006. For other related information or questions, contact Linda Davis, State Personnel, at 444-3796.

## PDC TO RAISE PRICES

Effective July 1, the cost of attending a PDC training course will increase. Over its 10 years of operation, this is only the third time PDC has increased prices. PDC receives no funding other than the fees it charges. The last increase occurred four years ago.

In FY93, the program will use only 75% of its budgeted spending authority, but it is the second straight year in which program expenses exceeded income.

PDC Director John Moore points out that costs are held down as much as possible. "We have had the reserve funds to carry us," says Moore, "but we can't keep operating at a deficit." Moore is confident the small increase won't price PDC's services out of agencies' reach.

Moore pointed out agencies can save significantly by working with the PDC to bring needed training "in-house." "Contract training" can provide savings of more than 50% for 20 employees in a full-day class. Moore noted fees for contract training also will increase a small amount, but not until October 1.

Most regular schedule training classes will only go up \$5. Full-day classes will cost \$65, and half-day classes will cost \$50.

The price increase will also affect the Management Development Program. "Essentials of Management" will increase \$10 to \$375. The PDC will continue to reduce \$100 of that cost for participants who attend all seven sessions without absence.

"Basics of Management" and "Principles of Upper Manage-

ment" will also go up \$10; the new cost of each program will be \$325. "The Manager as Mediator," a three-day program, will remain \$150.

To get more information on the PDC's services and fees, call John Moore, 444-3855.

## SUIT YOURSELF TRAINING SERIES

The final class of the popular "Suit Yourself" training series will be held in the Auditorium, SRS Building, between 8:30 a.m. and noon June 24. Kathleen Bartolewill be the presenter. The cost is \$15.

For more information about the class or to register, call the professional development center at 444-3985.



## PROFESSIONAL DEVELOPMENT CENTER

### JUNE & JULY CLASSES

#### WARM: WRITING ADMINISTRATIVE RULES

More and more, the Legislature delegates rule-making authority to executive agencies. This authority is carefully delegated — subject to many qualifications and restrictions. For rule-making to go smoothly and effectively, executive branch employees need to know the qualifications and restrictions. This day-long workshop will explore the rule-making process from start to finish. It will be held in the Lee Metcalf Building, Helena, June 15, from 8:30 a.m. to 4:30 p.m. Cost is \$60.

## PRE-RETIREMENT PLANNING

Under the joint sponsorship of the Public Employee's Retirement Division and the Professional Development Center, a Pre-Retirement Planning Seminar will be conducted in Helena, June 15 & 16. This two-day seminar, intended for anyone within five years of retirement, looks at the physical, mental and financial aspects of retirement. The seminar begins each day at 9 a.m. and ends about 4:30 p.m. It will be held in the Aladdin Motor Inn. Cost is \$55 for those covered under the Public Employee's Retirement System and \$90 for all others. Spouses are urged to attend free of charge.

## EFFECTIVE PRESENTATIONS

Anyone who wishes to improve his or her skills in public and presentations to groups of all sizes will benefit from this 14-hour workshop. It takes the participant through the various steps which should be taken, and each participant is video-taped twice while making actual presentations. It will be held in Helena, in the Lee Metcalf Building from 1 to 4:30 p.m. on June 16; 8:30 a.m. to 4:30 p.m., June 17; and from 8:30 a.m. to noon, June 18. Cost is \$60.

## SELF MANAGEMENT

Although this seminar presents many time management principles useful for everyone, it goes beyond that. It is intended for managers and looks at ways to orchestrate the time and talents of the entire staff in order to develop a more efficient, effective work unit. It will be held June 23, in the Lee Metcalf Building, Helena, from 8:30 a.m. to 4:30 p.m. Cost is \$60.

## APPROACHING SUPERVISION

Promotions to supervisory positions generally come on the heels of technical proficiency in the work of the unit. But supervision entails an entirely different set of skills, a new type of job. This seminar identifies the overall role and scope of supervision and the skills, abilities, and personal principles needed to perform the job well. It will be held from 8:30 a.m. to 4:30 p.m. at the Lee Metcalf Building, Helena, July 13. Cost is \$65.

## BASICS OF MANAGEMENT

Another six-part session of Basics of Management will get underway in Helena with the pre-assessment at 10 a.m., July 14, in the Lee Metcalf Building. This series is intended for those who are not now in a leadership position, but have been identified by their supervisor as having supervisory potential and must be recommended by their supervisor. Cost is \$325. Participants are tested prior to the series and again following the series. Those who pass the final examination are awarded a recommendation that this training be accepted as up to one-year constructive credit for supervisory experience. Classes are scheduled as follows:

**The Assignment**  
... Thursday, July 15

**The Challenge**  
... Thursday, July 22

**The Job**  
... Tuesday, July 27

**The Staff**  
... Wednesday, August 4

**The Problems**  
... Tuesday, August 10

**The Choices**  
... Thursday, August 19

## Post Assessment ...Friday, August 20

Anyone desiring more information about Basics of Management may call Kathy Bartole, PDC, 444-3774.

## QUALITY CUSTOMER SERVICE (formerly named The 'Relating' Part of Public Relations)

All government employees are in a service industry and face the public every day. The "public" includes other employees, other agencies, clients, and taxpayers. This half-day course will provide public-contact employees with the skills needed to take efficient, timely action to meet their customer's needs. It will be held in the Lee Metcalf Building, Helena, July 20, from 8:30 to noon. Cost is \$50.

## MEDIA RELATIONS

This day-long seminar is intended for anyone who has contact with the press. It addresses the rights and responsibilities of working with the press, and includes a video recorded press interview. It will be presented in the Lee Metcalf Building, Helena, July 20, from 8:30 a.m. to 4:30 p.m. Cost is \$65.

## ETHICAL ISSUES IN PUBLIC SERVICE

Ethical Issues in Public Service will benefit government managers at all levels; however, it is particularly appropriate for mid-level and upper-level managers responsible for implementing government policy. If you attend, expect to engage in a lively discussion of pertinent and thought-provoking issues. PDC Director John Moore conducts the seminar. In the past he has developed workshops in sensitive topic areas of common and statutory law.

The seminar will be held in the Lee Metcalf Building, Helena, July 28 from 8:30 a.m. to 4:30 p.m. Cost is \$65.

## WORKING WITH DIFFICULT PEOPLE

You can't handpick the people you must work with. Very often, you come across someone who seems - to you, at least - difficult to deal with. This half-day workshop focuses on several types of difficult people, as well as providing tips on recognizing and coping with them. It also emphasizes the communication skills necessary to cope with all sorts of people and situations. It will be held in the Lee Metcalf Building, Helena, July 29, from 8:30 a.m. to noon. Cost is \$50.



The Professional Development Center makes reasonable accommodations for any known disability that may interfere with a person's ability to participate in training. Persons needing an accommodation must notify PDC no later than two weeks before the date of training to allow adequate time to make needed arrangements. To make your request known, you can call 444-3985 or write: PDC, Rm 130 Mitchell Building, Helena, MT 59624.

Anyone desiring further information on these or other seminars offered under the auspices of the Professional Development Center is urged to contact their personnel representative or call the PDC at 444-3985, or 444-3774. You may also register by calling 444-3985.



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Helena, Montana 59620

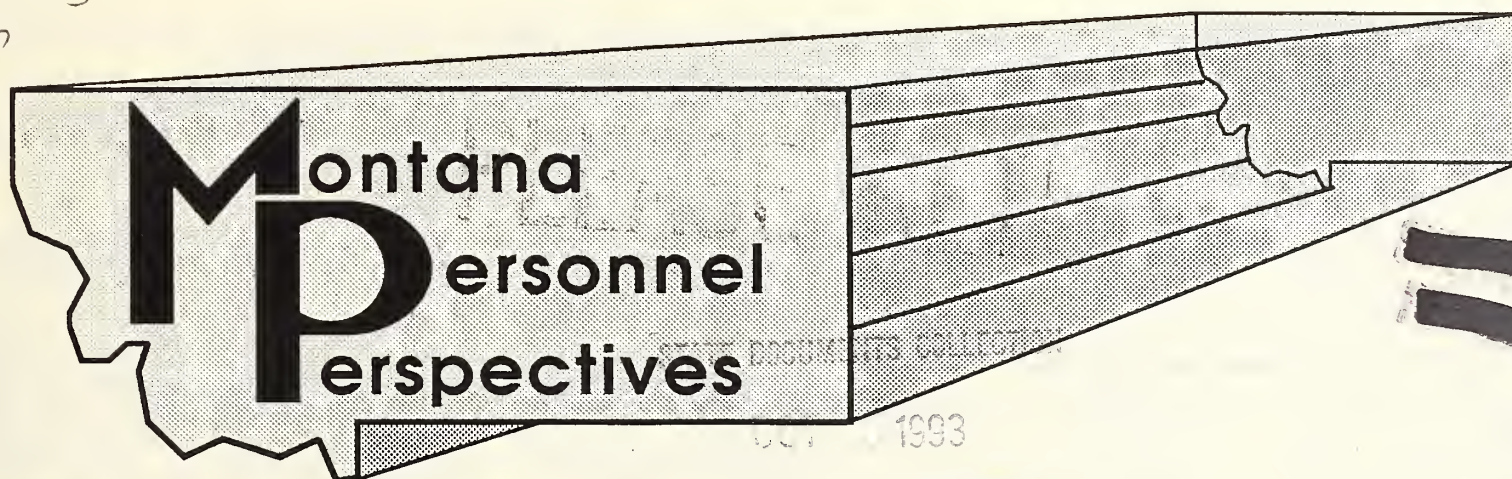
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Volume XIII, Number 2

JULY/AUGUST 1993

## NEW PERSPECTIVES FORMAT

*Montana Personnel Perspectives* looks different. We are trying out a new, brief format to reduce everyone's workload. Let us know what you think of it. Call 444-3794 or send written feedback to Constance Enzweiler.

## EEO CONFERENCE SCHEDULED

Our 13th Annual EEO Conference will be held in Helena on September 16-17. Details on the conference will be sent out soon. Call Marilyn Benjamin at 444-3985 for registration information.

## TWO FMLA PRESENTATIONS SCHEDULED

**For Payroll Technicians:** Thursday, July 29, Scott Hart Auditorium, Helena, 10:00 to 11:30 a.m.

**For Personnel Policy Network:** Tuesday, August 3, Scott Hart Auditorium, 10:00 to 11:30 a.m.

For additional information, call Liz Hayden, labor and employee relations bureau, at 444-3789, mornings.

## SECC PLANNING UNDERWAY

The 1993 State Employees' Combined Campaign (SECC) will run from October 4-November 12. The theme of the campaign is "State Employees Making A Difference."

If you have any questions about the SECC, call Jim Edgcomb, labor and employee relations bureau, at 444-3886.

## NEW PERSONNEL POLICY NETWORK PROJECT

To respond to feedback on the network from a focus group held in May, the personnel division will schedule network meetings on the third Tuesday of each month for a year. A volunteer committee was set up to plan the meetings and conduct periodic evaluations.

Committee members are Jane Benson, Barb Charlton, and Pamela Wintrobe. The project is staffed by Constance Enzweiler. You can call her for more information at 444-3794.

## BFM UPDATE

Conversion to BFM is "99%" complete! About 130 benchmarks are in place, with another 20 - 25 close to completion. Between 180 - 200 benchmarks are needed to fully represent all occupations in the state system.

BFM standards near completion:

- Resource Management,
- Laboratory,
- Compliance and Law Enforcement,
- Designers, Engineering Technicians and related,
- Appraisers and related.

The classification bureau will continue to produce new class standards, but at a slower rate. The staff appreciates the support of all state employees in working through this conversion process.

For more information on the BFM conversion, call Jim Stiffler at 444-3854.

## STATE EMPLOYEE RECOGNITION DAY SET

Governor Marc Racicot will present awards to outstanding state employees on Tuesday, September 28, from 11:00 a.m. to noon in the Capitol Rotunda.

Contact Liz Hayden, labor and employee relations bureau, mornings, at 444-3789, for more information.

# ADA IMPACTS ALL EMPLOYMENT PRACTICES

One of the basic premises of the Americans with Disabilities Act (ADA) is that an employer may not discriminate against a qualified individual with a disability because of the disability, in any employment practice, or term, condition or benefit of employment. This requirement applies to all employment practices and activities of an employer such as leave, promotion, training, evaluation, discipline, advancement opportunity, layoff, rehiring, discharge, or social and recreational activities.

In general, this means that an individual with a disability should have equal access to all employment opportunities. In addition, an employer must provide reasonable accommodations that will enable an individual with a disability to have an equal opportunity in every aspect of employment, unless a particular accommodation would impose an undue hardship. Here are a few more requirements that we haven't discussed in previous articles on ADA.

## Training

Equal training opportunities must be provided to people with disabilities in order to improve job performance and provide

opportunity for advancement. If an employer contracts for training or for training facilities, such as hotels and conference centers, the employer is responsible for assuring accessibility and other needed accommodations. All training contracts should contain a provision requiring the contractor to provide needed

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*"Training contracts should contain an accommodation provision"*

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accommodations. However, if the contractor does not do so, the employer remains responsible for providing the accommodation, unless it would cause an undue hardship.

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*"Functions such as parties, picnics should be accessible"*

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## Performance

An employer can hold employees with disabilities to the same standards of production/performance for essential job functions as all other employees. An employer does not need to give an employee with a disability "special treatment," nor should he or she be evaluated on a lower standard or disciplined less severely than any other employee. An employer may require medical or other professional inquiries that are job-related and consistent with business necessity to discover whether the disability is causing poor performance, and whether any reasonable accommodation is needed.

## Other Benefits and Privileges of Employment

The requirements of ADA apply to all social or recreational activities provided or conducted by an employer, any transportation provided by an employer for its employees or applicants, and to all other benefits and privileges of employment.

Functions such as parties, picnics, shows, and award ceremonies should be held in accessible locations. Interpreters or other accommodations should be provided when necessary.

Employees with disabilities must have equal access to break rooms, lounges, cafeterias, and any other non-work facilities that are provided by an employer for use by its employees.

Finally, any transportation provided by an employer, including transportation to or between an employer's facilities, and transportation provided on an occasional basis to employer-sponsored events, must be accessible to all employees.

Look for "The ADA and a Work-Related Injury" in a future issue. For more information about ADA, call Jim Edgcomb, labor and employee relations, at 444-3886.

# PERSONNEL DIVISION REORGANIZED

The State Personnel Division has changed to streamline management and improve the coordination of services.

The Personnel Services Section and Labor Relations Bureau are now part of a single Labor and Employee Relations Bureau, with Steve Johnson as Bureau Chief.

The Professional Development Center is now a separate section, with John Moore as Training Director.

The new payroll personnel (see "Staff Changes") are now part of a new bureau, the Classification and Pay Bureau, which includes the pay adminis-

tration function, with John McEwen as Bureau Chief.

An internal recruitment process in DOA was held to hire a new administrator for personnel division. Lois Menzies, director, expects to have an administrator in place by mid-August.



# Teambuilding Series

The Teambuilding Series is new to the Professional Development Center's fine line-up of services. Our highly trained staff will aid your work group in becoming a cohesive team that is more productive. The three sessions in the Teambuilding Series can

be adapted to meet your group's particular need. **Introduction to Teambuilding** looks at team roles, communication among team members, stages of team development, and developing team leadership and commitment. **Teamwork and Type** uses the Myers-Briggs Type indicator as a tool to become aware to each team member's preferences for taking in information, reaching conclusions, and solving

problems. After analyzing the team's strengths, blindspots, and areas for improvement, the instructor will help the team develop action plans for team growth. **Team Development** focuses on clarifying goals, roles, procedures and processes to solidify your team and increase productivity. If you would like your work group to become more productive, we're here to help.

## SELECTION: SCREENING AND INTERVIEWING SKILLS

**Helena August 3**  
**\$65 8:30-4:30**

This seminar will provide managers, supervisors, and personnel officers with a planning model and the skills necessary for selecting the best person for a job. Topics included will be Equal Employment Opportunity requirements, identifying selection procedures, developing interview questions, interviewing procedures and techniques, screening applicants, checking references, selecting the finalists, documenting your selection process.

## ATTITUDES: Motivation from the Inside Out

**Helena August 11**  
**Kalispell September 14**  
**\$65 8:30-4:30**

In today's pressure-filled world, maintaining a positive attitude is indeed difficult. This seminar shows how to control your attitude and greatly improve the quality of your profession and

personal life. The instructor will be James Burgess of Professional Resources in Helena.

## INTRODUCTION TO TOTAL QUALITY MANAGEMENT

**Helena August 11**  
**\$50 8:30-noon**

Total Quality Programs hold great promise for the future. The key to their success is understanding the three basic principles that underlie total quality: Customer Focus, Continual Improvement, Total Employee Involvement. This workshop will explore these three concepts and ways that TQM might enhance your work unit's mission and objectives

## TEAM BUILDING

**Helena August 25**  
**\$65 8:30-4:30**

How employees interact ultimately affects the successful operation of every organization. Creating an effective team requires certain management skills. See the above article for details.

## WARM: WRITING ADMINISTRATIVE RULES

**Helena September 1**  
**\$65 8:30-4:30**

More and more, the Legislature delegates rule-making authority to executive agencies. This authority, though, is carefully

delegated – subject to many qualifications and restricts. For rule-making to go smoothly and effectively, then, executive branch employees need to know the qualifications and restricts. This workshop will explore the rule-making process from start to finish.

## PROBLEM = OPPORTUNITIES: MANAGERIAL DECISION-MAKING

**Helena September 8**  
**\$65 8:30-4:30**

Solving difficult problems and making complex decisions that affect policy, programs, personnel, and budgets are the stock-in-trade of the effective manager. This course gives participants skills, strategies, and techniques to define the problem, generate solutions, narrow the options, and determine the solution.

## FIRE ME AND I'LL SUE!

**Helena September 21**  
**\$65 8:30-4:30**

Wrongful discharge is a term that keeps cropping up in the news. Public employers and managers are not exempt from threats of litigation. This day-long seminar examines this problem and looks at the rights and responsibilities of managers.

The Professional Development Center makes reasonable accommodations for any known disability that may interfere with a person's ability to participate in training. Persons needing an accommodation must notify PDC no later than 2 weeks before the date of training to allow adequate time to make needed arrangements. To make your request known, you can call 444-3985 or write: PDC, Rm 130 Mitchell Building, Helena, MT 59624.

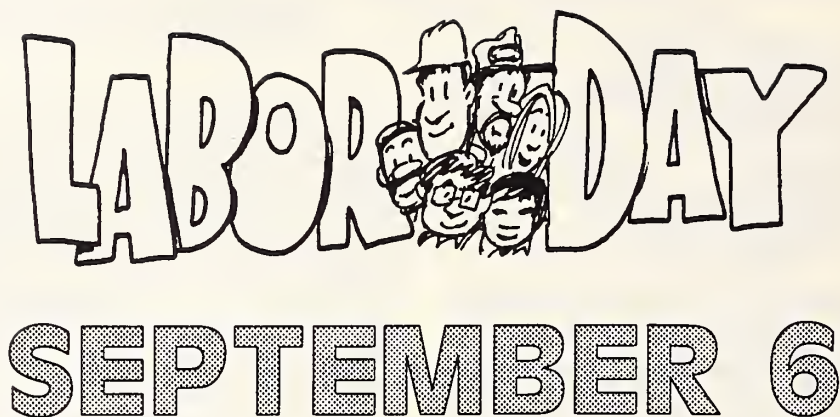


## STAFF CHANGES

The State Personnel Division is GROWING!!! State Payroll has been transferred from the state auditor's office.

The new employees are Donna Warner, Payroll Manager, and her staff: Mary Gail Carmony, Judy Carter, Judy Nelson and Marjorie Garden.

Their offices are still on the second floor and the phone numbers have remained the same. They can also be reached through state personnel at 444-3871.



*Montana Personnel Perspectives* is published bimonthly by the State Personnel Division, Department of Administration, Room 130, Mitchell Building, Helena, MT 59620, (406) 444-3871. It is intended to keep personnel officers and agency managers informed of developments in the area of personnel management. Materials may be reproduced without permission. Alternative accessible formats of this document will be provided upon request.

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State Personnel Division  
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# Montana Personnel perspectives

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Volume XIII, Number 3

September/October 1993

## 1993 SECC BEGINS

The State Employees' Combined Campaign (SECC) kicks off October 4, and runs through November 12. Contribute to this annual statewide charitable fund raising event and make a difference! If you have questions or comments about the SECC, call Jim Edgcomb at 444-3886.

## PERSONNEL MAKES ROOM FOR PAYROLL STAFF

State payroll staff, now part of the state personnel division, moved from the second floor to the first floor of the Mitchell Building in late August. Other division staff have shifted offices to make room for everyone. If you can't find the person you need to meet with, check with the receptionist in Room 130 for the office location.

Staff phone numbers and the mailing address, Room 130, Mitchell Building, remain the same.

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## HEALTH SCREENINGS BEGIN

It's that time again!! The employee group benefits plan is offering comprehensive health screenings to employees and their spouses. Screening locations this year (fall '93 & spring '94) include: Helena, Missoula, Hamilton, Polson, Kalispell, Columbia Falls, Libby, Thompson Falls, Superior, Butte, Dillon, Warm Springs, Anaconda, and Deer Lodge. Watch for additional information on upcoming screenings in your area!!

For information on the screenings, contact Kathy Samson at 444-3946.

## LABOR RELATIONS REPORT

The labor and employee relations bureau now negotiates and administers 80 collective bargaining agreements.

Thirty-six units have ratified contracts for the 94-95 biennium. An additional 14 units have reached tentative agreement but have not yet ratified. Thirty units still need to conclude negotiations on a new contract. Two of these were submitted to mediation.

For more information, contact Ken McElroy at 444-3982.

## ON-LINE INSURANCE SYSTEM PURCHASED

The employee benefits bureau has purchased a new insurance information system which allows on-line enrollment and changes in health, dental and life insurance coverage. The system also tracks and allows on-line access to employee and dependent coverage history.

Benefits bureau staff have completed the initial basic training on the system. Additional in-depth training is scheduled. Customization and implementation is anticipated to take approximately 9 months; system testing is tentatively scheduled for April and May 1994 with the system going "live" in July 1994.

Agency personnel will become involved during the testing phase of the system. Extensive and comprehensive end-user/agency personnel training of the system should occur in April, May and June 1994. Updates will be provided as development continues.

For more information, contact the employee benefits bureau at 444-3871.



# ADA AND WORK-RELATED INJURY

Inquiries by potential employers about an applicant's disability or workers' compensation history prior to a job offer are prohibited under the Americans with Disabilities Act (ADA). Employers may take reasonable steps to avoid increased workers' compensation liability while protecting persons with disabilities against exclusion from jobs they can perform safely.

After making a conditional job offer, an employer may inquire about a person's workers' compensation history in a medical inquiry or examination that is required of all applicants in the same job category. An employer may not base an employment decision on the speculation that an applicant may cause increased workers' compensation costs in the future. However, an employer may refuse to hire, or may discharge an individual who is not currently able to perform a job without posing a significant risk of substantial harm to the health and safety of the individual or others, if the risk cannot be eliminated or reduced by reasonable accommodation.

The employer may use information from medical inquiries and examinations for various purposes, such as:

- To verify employment history;
- To screen out applicants with a history of fraudulent workers' compensation claims;
- To provide information to state officials as required by state laws regulating workers' compensation and "second injury" funds; and
- To screen out individuals who would pose a "direct threat" to health or safety of themselves or others, which could not be reduced to an acceptable level or eliminat-

ed by a reasonable accommodation.

When an employee is injured either on or off the job, the employer is limited by the same constraints which are in place when hiring an employee. An employer may only make medical inquiries or examinations of an employee if the examinations are job-related and consistent with business necessity. The physical examination should be limited to the degree necessary to determine whether or not the employee is qualified to perform the job. Medical information may be very useful to an employer who must decide whether an injured worker can come back to work, in what job, and, if necessary, with what accommodations. A physician may provide an employer with relevant information about an employee's functional abilities, limitations, and work restrictions.

Clearly, every employee injured on the job will not be covered by the ADA. Protection depends on whether or not the person meets the ADA definitions of an "individual with a disability" and "qualified individual with a disability," which require that the person with the disability must be able to perform the essential functions of a job currently held or desired with or without an accommodation.

An employer cannot refuse to let an individual with a disability return to work because the worker is not fully recovered from injury, unless the employee:

1. Cannot perform the essential functions of the job with or without an accommodation; or
2. Would pose a significant risk of substantial harm that

could not be reduced to an acceptable level with a reasonable accommodation.

Remember, a reasonable accommodation may include reassignment to a vacant position. An employer may also establish a "light duty" job to respond to medical restrictions on workers recovering job-related injuries, in order to reduce workers' compensation liability.

For more information about ADA, call Jim Edgcomb, labor and employee relations bureau, at 444-3886.

## CLASSIFICATION UPDATE

The Benchmark Factoring Manual will be revised to make it more "user friendly." If you have comments on the current manual, including little margin notes or other tricks that help you understand the meaning of a factor level or an example of a position that exemplifies a particular level for you, submit them to Jim Stiffler.

Agency personnel officers will be invited to comment on proposed revisions and to attend review sessions. The bureau expects the manual to be ready for printing by the new year.

Due to the interest expressed by many agencies, a task force of representatives from State Fund and the Classification and Pay Bureau and agency personnel volunteers will examine the compatibility of classification's "Working Conditions" criteria and the criteria used by the State Fund in setting premium rates.

For more information, call Jim Stiffler at 444-3854.



# Updated PDC Catalog

The Professional Development Center's updated catalog is now available. This catalog has a synopsis of all our course

offerings, including the objective of the course, who should attend, and the course content.

In addition, our specialized training, facilitated meetings, mediation services, conference coordination, custom audiovisual materials, and special projects

services are described.

If you would like one of these catalogs free of charge, contact Marilyn Benjamin (444-3985), John Moore (444-3855), Marc Scow (444-3749), or Kathleen Bartole Haines (444-3774).

## CUTBACK MANAGEMENT

### Helena

This series of seminars will look at management techniques to increase the manager's effectiveness in an atmosphere of shrinking budgets. It will look at techniques to offset these budget reductions that will maintain or even improve productivity. **Cutback Management I: Analyzing Change** will emphasize fiscal and productivity management. It will be offered in Helena, **October 7 & 8**, from 8:30 a.m. - 3:00 p.m. each day. Cost is \$95 for this two-day seminar. **Cutback Management II: Managing Change** will focus on the human dimensions. It will be offered in Helena, **October 13**, from 8:30 a.m. - 4:30 p.m. Cost is \$65.

## MEDIA RELATIONS

**Kalispell October 26**  
**\$65 8:30-4:30**

This day-long seminar is intended for anyone who has contact with the press. It addresses the rights and responsibilities of working with the press, and includes a video recorded press interview.

## THE MANAGER AS MEDIATOR

**Helena \$150 8:30 - 4:30**  
**Oct. 26, Nov. 2, & Nov. 8**

Managers report spending more than 26% of their time managing conflict under everyday circumstances. The Manager as Mediator is for anyone who aspires to improve skills in mediation. Key areas to be covered in this intensive three day course include; the mediation model from start to finish, interpersonal skills, essentials for effective mediation, setting the scene for constructive conflict, and conflict and negotiation techniques.

## WIN-WIN COMMUNICATION SKILLS

**Missoula October 21**  
**Billings October 25**  
**\$50 1-4:30**

This half-day seminar will benefit anyone who would like to communicate successfully in a cooperative, "everyone wins" atmosphere. This course emphasizes a cooperative effort toward common goals. Win-win communication skills can be applied to interpersonal conflict, work planning, and other areas where problems need solving.

## ATTITUDES: Motivation from the Inside Out

**Havre November 3**  
**\$65 8:30-4:30**

In today's pressure-filled world, maintaining a positive attitude is

indeed difficult. This seminar shows how to control your attitude and greatly improve the quality of your professional and personal life. The instructor will be James Burgess of Professional Resources in Helena.

## REDUCING RISK EXPOSURE IN CONTRACTS

**Helena November 4**  
**\$40 8:30 - Noon**

This seminar is designed for attorneys and professionals who develop and approve contracts between state agencies and private vendors. The focus will be improving knowledge of contract terms and language in order to protect the state and promote consistency in state contracts. This seminar is offered at the reduced cost of \$40 through the efforts of the Risk Management and Tort Defense Division of the Department of Administration.

## APPROACHING SUPERVISION

**Helena November 18**  
**\$65 8:30-4:30**

Promotions to supervisory positions generally come on the heels of technical proficiency in the work of the unit. But supervision entails an entirely different set of skills, a new type of job. This seminar identifies the overall role and scope of supervision and the skills, abilities, and personal principles needed to perform the job well.

The Professional Development Center makes reasonable accommodations for any known disability that may interfere with a person's ability to participate in training. Persons needing an accommodation must notify PDC no later than 2 weeks before the date of training to allow adequate time to make needed arrangements. To make your request known, you can call 444-3985 or write: PDC, Rm 130 Mitchell Building, Helena, MT 59624.



## AWARDS LUNCHEON HELD IN OCTOBER

The Governor's Committee on Employment of People with Disabilities (GCEPD) will hold a luncheon to present their annual awards on October 14 at the Butte Copper King. The luncheon will be held concurrently with the annual conference of the Montana Association for Rehabilitation.



Contact Bob Maffitt, executive director for GCEPD, for more information at 444-4178.

## NEW WRONGFUL DISCHARGE CASE SUMMARY

The Professional Development Center recently updated "Wrongful and Unlawful Discharge: Montana Cases and Considerations," its comprehensive summary of cases in Montana. This edition contains 30 new cases since the last update in November 1991. Ten of the decisions deal with issues under the state's Wrongful Discharge Act, which has been in effect since July, 1987. The booklet also contains a copy of the act.

The booklet is available for \$7 from Marilyn Benjamin, 444-3985.

## STAFF CHANGES

Mark Cress has been appointed administrator of the state personnel division, Department of Administration. Director Lois Menzies has announced. He began his new job September 20. Mr. Cress has 17 years of experience in personnel management. He was administrator of the public employees' retirement division and has been acting administrator of the state personnel division since December.

Ric Moser, personnel specialist in the classification bureau, accepted a position as an investigator with the Montana Human Rights Commission in August.

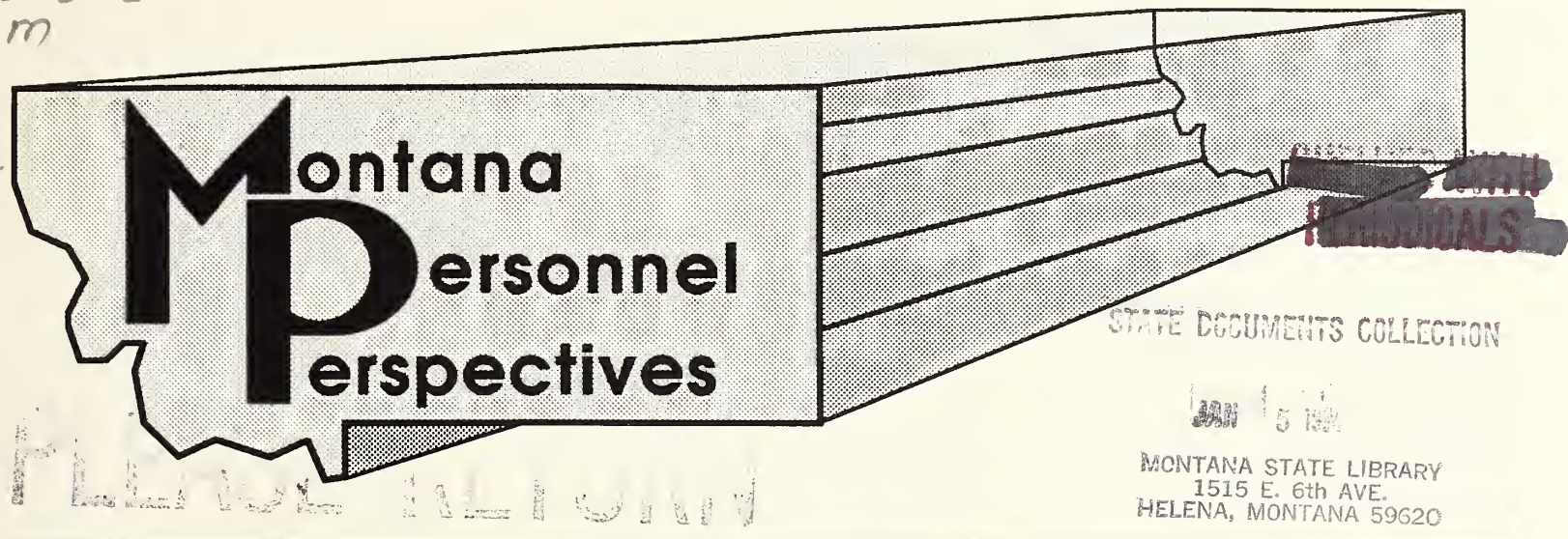
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Volume XIII, Number 4 November/December 1993

## RULE HEARINGS

A public hearing was held on the proposed changes to the Veterans' Employment Preference Rules and Exempt Compensatory Time Rules on November 18. A hearing has been set for proposed changes in the annual leave rules on January 5 at 9 a.m. in the Mitchell Building Room 136.

Hearings will be scheduled in 1994 on proposed changes to the following rules:

- Alternative Work Schedules—3-0220
- Disability and Maternity—3-0315
- Equal Employment Opportunity/

- Affirmative Action—3-0605
- Grievances—3-0125
- Leave of Absence Without Pay—3-0330
- Recruitment and Selection—3-0165
- Reduction In Work Force—3-0155
- Sick Leave—3-0310

Two policy statements—the ADA Employment Policy Statement and the AIDS Employment Policy Statemen—also are scheduled for revision.

For more information, call the labor and employee relations bureau, 444-3871.

## HOW CLINTON'S HEALTH REFORM PROPOSAL IMPACTS STATE EMPLOYEES

The Clinton Health Reform proposal would both change the way state employees obtain health insurance and provide a new set of terms. Important terms below are in bold.

Under the Clinton Health Reform Proposal, state employees would obtain their health insurance from a **regional health alliance**. This regional health alliance could be a nonprofit corporation or a state agency. The state could choose to establish one or more regions and alliances in Montana.

Employees would receive the same package of benefits as everyone else in the country—the **guaranteed national benefit package**. This package includes standard medically necessary inpatient, outpatient and emergency services plus:

- Preventive services (frequency limited).
- Prescription drugs.
- Durable medical equipment, prosthetic and orthotic devices.
- Inpatient mental health limited to

## NEW REGIONAL FMLA COORDINATOR

The Federal Department of Labor established a regional coordinator to monitor implementation of the new law and to serve as a contact for FMLA-related questions:

Del Lowry, Region VIII, Denver, Colo, 303/391-6780.

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days of alternative services.

- Outpatient mental health services limited to 30 visits/year.
- Pregnancy-related and family planning services.
- Hospice, home health and 100 days of extended care services when an alternative to hospitalization.
- Outpatient rehabilitation services limited to 60 days.
- Eye and ear exams and glasses for children.
- Preventive dental services for children.

Employees would obtain the above package of benefits by signing up for one of several **health plans** selected by the regional alliance based on their quality and cost. Health plans would be developed by insurers in cooperation with networks of health care providers (physicians, nurse practitioners etc.). At least three health plans must be selected and offered by an alliance and one must be a fee-for-service plan (as opposed to an HMO or PPO with selected providers).

Available health plans would provide employees with one of the following **cost sharing** options:

**LOW COST SHARING:** \$10 co-pay for outpatient services; no co-pay for inpatient services, and if there is any coverage for services by providers outside the HMO or PPO, a 40% co-pay.

**HIGHER COST SHARING:** \$200 individual/\$400 family deductible; 20% co-pay; \$1500/\$3,000 maximum on cost sharing. This would be typical for a point-of-service plan. (The State Plan has a higher family deductible and higher co-pay, but lower cost sharing maximum because the plan pays 100% sooner.)

**COMBINATION:** Low cost sharing for using preferred providers and high cost sharing for non-preferred providers.

## ***THE BIG UNANSWERED QUESTION: WHAT WILL IT COST??***

We only know that employees with "individual coverage" will probably pay more. Employers will be required to pay 80% of an alliance's "average-priced" plan for each family type: single individual; couple; couple with children (family); and single parent family. Currently the

state pays the same amount for each employee. This covers 100% of individual coverage and less than 80% of coverage for a full family or couple. While the Clinton plan "allows" employers to pay 100% of an employee's premium costs, (and provide supplemental coverage such as dental and vision) there may be less state contribution left for these options.

While employees covering their family or a spouse will pay a smaller percentage, it may be on a larger premium--meaning more total out-of-pocket cost. All employees will have the option of decreasing their premium costs by moving to a plan that costs less than the "average-priced" plan and increasing it by moving to one that costs more.

Features of the Clinton plan that would tend to drive up the costs:

1. The requirement that alliances accept (and community rate) all comers regardless of health status. This includes the employed, the unemployed, and current medicaid recipients. (An employed population would tend to be healthier and have lower health care costs (by virtue of the fact they are healthy enough to

work) than a mixed population. It is also easier to improve the health habits and health care consumer habits of a single employee population.

2. The requirement that alliances may not cancel coverage even for non-payment of premium. While there would be government subsidies for the poor, it remains to be seen if they will be adequate and if they will cover enough people. If not, costs of unpaid coverage will have to be picked up by paying members of the alliance.

Features that would tend to drive down the costs:

1. A national health care budget will be set with a maximum inflation factor for increases in premiums of plans offered by alliances. This would be enforced by the federal government.
2. Health care alliances will represent most of the health care consumers in a region and presumably will be able to drive a harder bargain with insurers and providers. The Clinton Plan also includes proposals to streamline administration and mal-practice dispute processes.

## ***WHAT ABOUT COSTS TO THE STATE?***

The costs to the state and other large employers would be capped at 7.9% of payroll. The state's FY93 contribution was approximately 8.5% of payroll. A move to 7.9% of payroll would save the state money. However, it has yet to be seen whether 7.9% of payroll will cover 80% of the costs of the guaranteed national benefit package in areas with relatively low wages.

For more information, contact the employee benefits bureau at 444-3871.





# Specialized Training Services

The Professional Development Center provides specialized training for individual agencies and organizations. We have served a variety of public and private organizations in Montana. The PDC can arrange for a large variety of pre-designed courses

and tailor the program for your "in-house" needs and help you stretch your training budget. We can also design courses on topics specified by an agency. The Center staff will research the subject, consult with agency managers, and deliver the course.

If you need a specific course or instructor, the PDC can handle the administrative details for you, including contracts, facilities,

flyers, printing, and press releases. This service greatly simplifies the process for you and your agency and can save valuable time.

Contact John Moore (444-3855), Marc Scow (444-3749), or Kathleen Bartole Haines (444-3774) to find out more about any of these services and how to go about arranging them to meet your special needs.

## **TAKE YOUR WORD FOR IT** **Helena December 1** **\$50 8:30-noon**

The number one problem at work, at home, maybe in the whole world is ineffective communication. Confidence and skill in relaying your messages and being an effective listener are the keys to communication. In this workshop, you will learn that effective communication is not just what words you say, but how you say them, and how well you really listen to what others are saying to you.

## **MANAGING CHANGE** **Helena December 2** **\$40 8:30-noon**

**Billings, Bozeman, Miles City, Helena, Kalispell, Missoula**

Many recent events in Montana have driven home one point: we are in a period of change. This half-day seminar will focus on the nature of change, how it affects us, and how we can effect it. The phases of change will be discussed. Emphasized in the course are the communication tools to help

people move through the phases and deal with resistance. Offered as a METNET Video Interactive Seminar, the course will be offered in six Montana cities.

## **MALE/FEMALE COMMUNICATION** **Helena December 7** **\$50 8:30 - noon**

Current research tells us that men and women grow up behaving in profoundly different ways, and seeing themselves connecting to others in profoundly different ways. This indicates that the two sexes are really trying to communicate across *two different cultures*. This workshop will look at these differences in the genders and in their communication styles. It will also discuss techniques to bridge these differences so that we all can understand and appreciate each other better.

## **MANAGING CONFLICT** **Helena December 14** **\$65 8:30 - 4:30**

Conflict is inevitable in human relationships. Given this fact, managers and supervisors need skills identifying and resolving conflict. This seminar emphasizes communication skills and defusing confrontations.

## **GIVING AND GETTING REFERENCES** **Helena December 16** **\$50 8:30-noon**

The best predictor of success on the job is past performance. While job references may be the most logical source of such information, they are getting harder and harder to get. Any employer has legitimate worries about providing references. Lawsuits alleging defamation, interference with economic opportunity, and other damaging actions have silenced many managers. This half-day seminar will explore the ins and outs of references – both giving and getting them. Participants will learn about the legal environment and gain an understanding of safe reference practices.

## **PROBLEMS = OPPORTUNITIES, MANAGERIAL DECISION-MAKING**

**Helena January 6**  
**\$65 8:30 - 4:30**

Solving difficult problems and making complex decisions that affect policy, programs, personnel, and budgets are the stock-in-trade of the effective manager. This course gives participants skills, strategies, and techniques to define the problem, generate solutions, narrow the options, and determine the solution.

The Professional Development Center makes reasonable accommodations for any known disability that may interfere with a person's ability to participate in training. Persons needing an accommodation must notify PDC no later than 2 weeks before the date of training to allow adequate time to make needed arrangements. To make your request known, you can call 444-3985 or write: PDC, Rm 130 Mitchell Building, Helena, MT 59624.



## NOTICE

The Montana Legislature has directed the Governor and the Attorney General to conduct a joint study of the delivery of legal services to the executive branch of state government. The study is intended to gather information that may be used to determine whether the state's legal services can be delivered more effectively and efficiently. A task force, designated to assist with the study, has been compiling relevant information from Montana state offices as well as from other states.

To assist in this fact-finding, a public hearing has been scheduled to provide an opportunity for interested parties to comment on this topic. The

hearing will be held on January 26, 1993 at 9:00 a.m. at the Department of Transportation Conference Room.

Written comments may be submitted at the hearing or sent to the following address:

Governor Marc Racicot  
Montana State Capitol  
Helena MT 59620

ATTN: Judy Browning

Questions about the hearing may be directed to Judy Browning in the Governor's Office at 444-3111 or to Chris Tweeten in the Attorney General's Office at 444-2026.

## OBSERVED HOLIDAYS

*Christmas*

*Friday, Dec. 24*

*New Year's*

*Friday, Dec. 31*



*Martin Luther*

*King's Birthday*

*Monday, Jan. 17*

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